

## CONCEPTS AND PROPOSED STANDARDS FOR FLAG LOT THAT WOULD ALLOW SDUs

### Principles:

- Provide adequate separation of SDUs from the interior of other lots that abut the “flag” portion.
- Provide adequate “pole” and driveway width to serve 2 to 4 dwellings and avoid excessive traffic impacts to residents on an adjacent lot.
- Grandfather in existing flag lots that meet the following conditions:
  - Large enough “flag” area
  - 25’ wide poles – which satisfies the current code requirement for access to 2 to 4 dwellings on separate flag lots.

### Potential negative impacts to avoid or mitigate from traffic on the pole:

- Noise
- Dust
- Fumes
- Headlight glare

### Potential ways to mitigate negative impacts from traffic on the pole:

- Setback the driveway from adjacent dwellings and outdoor use areas.
- Properly maintained, hard paving (limit noise and dust from gravel)
- Landscaping
  - Continuous, dense hedges can diminish noise, shield from light, and lower dust levels
- Screening berms, walls & fences can diminish noise, shield from light, and/or lower dust levels

### Current code requirements for a pole serving 2 to 4 flag lots:

- Pole width: 25 feet
- Minimum paving:
  - Min width: 20' (or 17½', with Planning Director approval)
  - 4 inch thick Portland cement concrete, or 2½ inch compacted asphaltic concrete mix on 6 inches of ¾ minus compacted crushed rock base, or an approved equal.

### Current code for “Multi-Family” (3 or more dwelling units) development:

- Driveway width: 20 to 28 feet.

### Design notes for driveway:

- A large SUV is around 80 inches (6' 8") wide.
- A single-car driveway can be as narrow as 8' and serve adequately, as long as there are no obstructions on the sides.
- Short (nominally 50' feet, TBD) “one-way” driveways can be adequate if an oncoming vehicle can wait to enter or can back up. The exact distance needs to be determined for the adopted standard.
- For longer driveways, segments (nominally 50', TBD) of “one-way” driveways can be adequate if there are “pullover” areas at appropriate spacing. The exact distance needs to be determined for the adopted standard.

### Observations.

- Many flag lot driveways will need at least one “pullover” area, which will need to be at least 16' wide.

## Current Code

### EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.

#### **(2) Measurements.**

(b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted.

#### **(3) Land Division Regulations.**

(c) Access Pole. The minimum width for the pole portion of 1 flag lot is 15 feet. If 2 or more flag lots will use the same access driveway, the minimum combined width of the pole portions shall be 25 feet. A street may be required. The maximum number of flag lots taking access off the same access driveway is 4.

#### **(4) Use Regulations.**

Residential flag lots have the same land use regulations as the base zone except, for residential flag lots of less than 13,500 square feet, there is no allowance for home occupations or a secondary dwelling.

#### **(5) Development Standards.**

(b) Setbacks. For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines.

(c) Access. Motor vehicle access from a public street to a residential flag lot may be obtained in one of the following three ways:

1. Via the pole portion of the lot,
2. Via an easement to use a driveway on an abutting property, or
3. Via an existing alley.

(d) Minimum Paving and Landscaping.

1. The minimum paving of the driveway used for access shall be as follows:

1 rear lot: 12 feet

2 to 4 rear lots: 20 feet (Street may be required.)

\*If approved by the planning director as necessary to preserve existing natural features, paving width may be reduced to 17½ feet, except for the first 25 feet back from the sidewalk if both sides of the driveway are landscaped in accordance with a landscape plan.

## **Tentative proposed standards to allow an SDU on a flag lot**

*Coda: The intent of these standards is that a flag lot that exists on the date this ordinance was adopted, and that has a "flag" area of at least 12,500 square feet and that has access via a single or combined pole at least 25 feet wide at all points shall be allowed to have a Secondary Dwelling Unit (SDU), if all other applicable criteria are met.*

1. "Flag" area must be at least 12,500 square feet. (Note: This provides for a square area approximately 110 feet on a side, or a rectangular area about 75'x165'. In either case, there is adequate room for the wider setbacks that apply to all structures on flag lots.)
2. Minimum 10 foot setback on all sides for structures, and SDU sloped setbacks apply from that plane in the same manner as for an SDU on a standard lots. (Note: For example, maximum building height is 8 feet at the 10-foot setback; max height is 13 feet at a 16-foot setback.)
3. If a single pole or combined poles is/are used for access, the following requirements must be met:
  - a. No more than four dwellings (including primary dwellings and SDUs) may take access off an individual pole or combined poles.
  - b. The pole (individual or combined) and driveway must meet the following criteria (c and d).
  - c. "Legacy" flag lot. Special standards apply to a flag lot that meets all the following criteria:
    - i. The lot was created prior to the adoption date of this ordinance.
    - ii. The flag lot has no other legal access other than the single or combined pole.
    - iii. The single or combined pole is at least 25' wide at all points.
    - iv. The pole cannot reasonably meet the setback standard in e.iii, below.
  - d. Single or combined pole standards:
    - i. Minimum pole width at all points: 30 feet (except 25 feet for "legacy" flag lots covered under 3.c, above)
    - ii. Parking is not allowed on any portion of pole.
  - e. Driveway standards:
    - i. Minimum driveway width on pole: 10 feet at all points
    - ii. Maximum driveway width on pole: 20 feet
    - iii. Min setbacks for driveway edges (except for "passing areas"): 10 feet
    - iv. The driveway must not have any segment that extends more than 50 feet (*nominal, TBD*) without a "passing area."
    - v. Minimum size for "passing areas" of driveway: 16 feet wide by 15 feet long (*nominal, TBD*) with optional 3 feet (*nominal, TBD*) on each end tapering from narrower part of driveway.
    - vi. Exceptions for driveway setbacks:
      - A. For "legacy" flag lots covered under 3.c, above. Where the pole is too narrow to allow 10-foot setbacks on both sides of a 10-foot driveway, the setback can be reduced on either or both sides to allow a 10-foot driveway. Other than in "passing areas," at least a 7-foot setback shall be maintained on both sides.
      - B. For all lots. Where the pole is too narrow to allow 10-foot setbacks on both sides of a "passing area", the setback can be reduced on one side to allow a 16-foot wide passing area. A 10-foot setback (7-foot for "legacy" flag lots) must be maintained on the opposite side of the passing area, and the setback on the same side as the passing area must be as wide as possible (i.e, For standard lots: the pole width less 26 feet; For "legacy" flag lots: the pole width less 23 feet).

The placement and length of passing areas with reduced setbacks must be configured so that the total length of reduced setbacks is the minimal amount by which the other standards in this section can be reasonably met and the impacts to adjacent property(ies) are minimized.
  - f. The entire length of both sides of the pole must be landscaped to meet the Low Screen Landscape Standard (L2), except that the height shall be 45" to 60", and the planting material shall provide an

effective, continuous screen to block light from headlights. Solid wood fences may be used instead of masonry walls, but the bottom of the fence must be no higher than 12" above grade and at least 45" high above grade.

- g. If access is provided via an easement to use a driveway on an abutting property, with or without being combined with one or more pole(s), the accesway shall meet the same standards as if it were provided just by one or more poles.
  - h. Exceptions to setbacks and landscaping are allowed with written permission of property owner(s) adjacent to the side of the pole where the exception is allowed.
4. Adjustments (*Note: The criteria to allow any of the following adjustments must be clearly written to prevent increased impacts to an adjacent property owner or residents.*)
- a. Allow adjustments where adjacent property is not residential and impacts are minimal.
  - b. Allow adjustments to the driveway setback down to 4 feet (but no less) for situations where there would clearly be minimal impacts on adjacent property owners.
  - c. Allow adjustment to screening for sections of the pole where headlights and noise would not impact dwellings or outdoor patios, etc.
  - d. Allow adjustments to setbacks for non-conforming sections of driveways existing as of the date of adoption of these standards. No increase in non-conformance is allowed. Landscaping, walls or fences are required for screening unless clearly impracticable.

Figure 1. Nominal ("ideal") flag lot pole, driveway and setbacks for lot with SDU

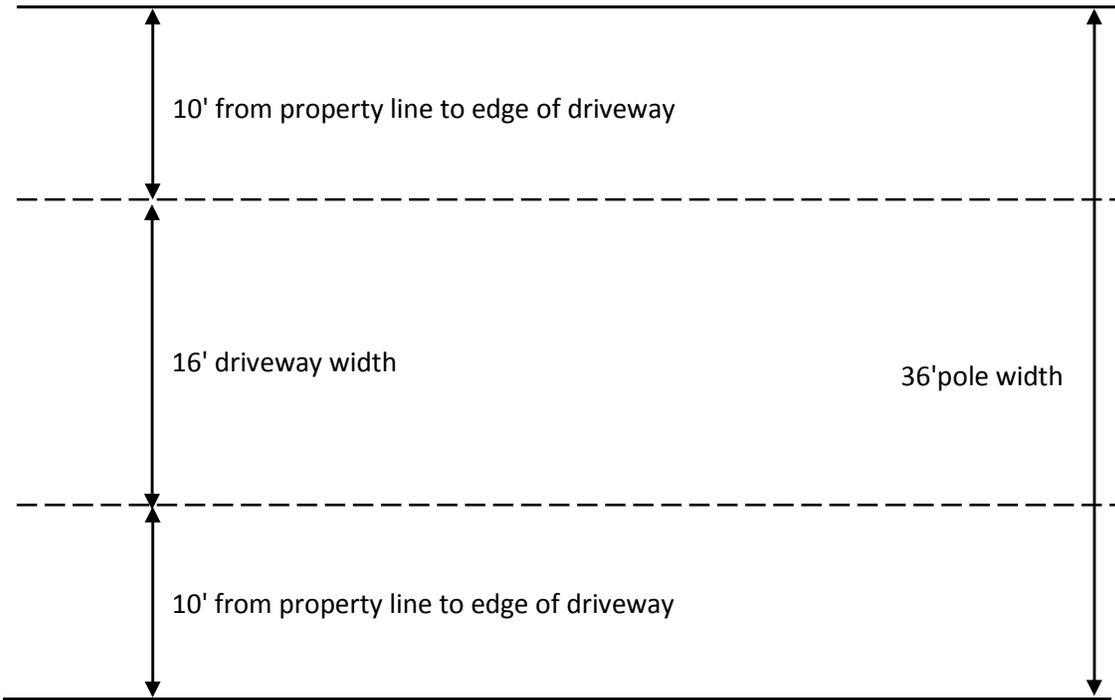


Figure 2. Minimal flag lot pole, driveway and setbacks for new lot with SDU

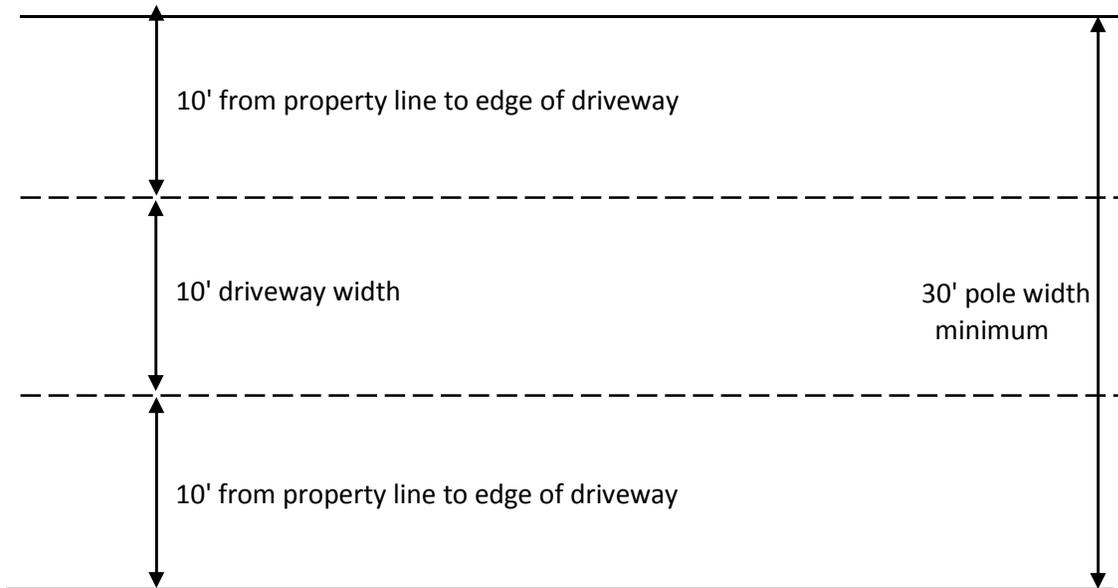


Figure 3. "Passing area" lot pole, driveway and setbacks for lot with SDU

