

March 1, 2022

Re: Planning Commission Simplification of Municipal Code Review

From: Jacqueline Danos

Reviewing the code, definitions need to be revised for several areas within the code to be better comprehended. My first recommendations would be to revise the following within the DEFINITIONS section of the code:

"APARTMENT":

Current Definition: Means a dwelling unit as defined in this section.

Revised Definition Suggestion:

"APARTMENT": Dwelling unit, which includes at least a sleeping area, full bath and kitchen rented for a fixed amount and time.

"DECK/PORCH"

Current Definition: Means an outside walking area, the floor of which is elevated more than eight (8) inches from grade.

Revised suggestion: Separate the two words and add a definition for "PATIO" This can help clarify and assist in including the need for permeable paving as well as what is included in lot coverage allowed.

Definition Suggestions:

"DECK": A flat surface capable of supporting weight, similar to a floor, but typically constructed outdoors, often elevated from the ground, and usually connected to a building.

"Deck": Means an unenclosed amenity area or platform that may be attached to a dwelling and is intended for the purpose of outdoor dining, lounging and other similar accessory residential use.

"PORCH": Is an open structure that has breathable walls, but protection above it, usually, a covered shelter projecting in front of the entrance of a building.

"PATIO": a paved outdoor area adjoining a house.

"PATIO": An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

"HEIGHT OF BUILDING"

Current definition: means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade. To determine building height, calculate the average building height for each side: Add the shortest building height and the tallest building height, then divide the two (2) building heights by two (2). Add together the average height for each side and divide by the number of sides.

Revised Definition suggestion:

"HEIGHT OF BUILDING": Building height means the vertical distance measured from the average between the highest to lowest natural/existing or proposed lot grades around the perimeter of the

structure to the highest point of the roof. When determining whether to utilize existing or proposed grade, whichever is most restrictive and results in the lowest allowed building

"HOTEL" and "MOTEL" currently the code has two different definitions, and it does have a separate definition for an **"APARTMENT HOTEL"** which is:

"APARTMENT HOTEL" means a building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units but excluding all facilities coming within the definition of "bed and breakfast facility."

Current definition: "Hotel" means any building containing guest rooms which are rented or hired out to be occupied for sleeping purposes for guests, excluding any facility which meets the definition of "bed and breakfast facility."

"Motel" means a series of sleeping units, each having a separate entrance, composed of one or more bedrooms and bathroom, excluding any facility which meets the definition of "bed and breakfast facility."

Revised Definition Suggestions:

"HOTEL or MOTEL" means a facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc.

"HOTEL": Means any structure or any portion of any structure containing three or more units, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house.

Consider adding **"ACCESSORY DWELLING UNIT"** At the moment the code has a definition for an **"ACCESSORY STRUCTURE or ACCESSORY USE"** but does not have a definition for an ADU.

"ACCESSORY STRUCTURE OR ACCESSORY USE": Means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

Currently ADUs allowed in R-3, R-4 and C-1 zones. They are not listed under Permitted Uses for any zone using the wording "Accessory Dwelling Unit" which is the wording best currently understood for an accessory building installed on a property for use as residential or as an office/studio.

Sample definitions:

"ACCESSORY DWELLING UNIT (ADU)": Means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

"ACCESSORY DWELLING UNIT (ADU)": Means a residential living unit on the same parcel as a single-family dwelling or a multifamily structure. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled single-family unit or a unit in a multifamily dwelling.

The term **"RECREATIONAL VEHICLE"** appears in several locations within the code. Without clarifying definition as what a "recreational vehicle" is anything from a 10' pull behind trailer to a 50' vehicle would fall under the term "recreational vehicle".

Suggestions for Additional Recreational Vehicle definitions:

"Recreational Vehicles" (RVs) shall be defined as campers, camping tents, travel trailers, motor homes, boats, or similar recreational vehicles. Boats must be on a trailer, except for non-motorized personal watercraft.

"Motorized recreational vehicle" means a motor home built on a truck or bus chassis or a van chassis which usually has a section overhanging the cab. All these vehicles are powered by internal combustion engines that run on gasoline, diesel, batteries or other fuel. Van campers and pickup truck campers are excluded from the recreational vehicle definition. Inoperative vehicles are prohibited.

"Non-motorized recreational vehicle" means a conventional travel trailer, or a fifth wheel trailer utilized for recreational purposes and designed to be towed by a vehicle. Boats, horse trailers, utility trailers for storing recreational equipment or other equipment and all-terrain vehicles stored on trailers utilized for recreational purposes are considered non-motorized recreational vehicles. Pickup truck camper shells which have been removed from the vehicle and stored are considered non-motorized recreational vehicles and shall conform to the provisions of this title

"Oversized Recreational Vehicle" an oversized vehicle is any vehicle, which exceeds any of the following dimensions: twenty (20) feet in length, nine (9) feet in height or seven (7) feet in width. Motor homes and recreational vehicles exceeding these measurements are examples of oversized vehicles.

"Off-Highway Recreational Vehicle" (OHRV) shall be defined as jet skis, four-wheelers, or snowmobiles, or similar off-highway recreational vehicles, and may be on a trailer or not.

Consider adding "COTTAGE CLUSTER"

Samples:

"COTTAGE CLUSTER" means a residential development containing a cohesive cluster of small dwelling units gathered around one or more Common Green Spaces. Cottage cluster may also have shared community garden plots, recreation facilities, and other ancillary uses.

"COTTAGE CLUSTER" means a grouping of no fewer than three detached dwelling units on the same lot of record, with each dwelling unit having a footprint of less than 900 square feet, all dwellings sharing a common area on the lot of record, and internal ADA- compliant pathways connecting each dwelling to common space, vehicle parking, and sidewalks.

Chapter 9.12.020 – R-1 Residential Zone

E. Planned Unit Development (PUD): Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60

Revised recommendation: The code states that a PUD is allowed in R-1 zones but must meet the requirement of 2 contiguous acres. This requirement should be included under this section as allowable but should state at the beginning "on a minimum two (2) contiguous acre lot a P.U.D. is allowable.

9.12.040 Standards: (similar recommendations for R-2, R-3 and R-4)

C. Building Height – change to reflect better definition. We should discuss a review of allowable height especially on the west side of the city. Currently there are some CC&R restrictions, but they are very old and can easily be changed leaving a lot of areas at risk of being over built with regards to heights of single-family homes.

D. Lot Coverage: Structures, including, but not limited to buildings, porches and decks shall not occupy more than thirty (30) percent of the total area. **Revise deck/porch/patio definitions and include permeable paving specification.**

9.28.030 Standards –

G. Residential – only uses:

1. Yards: Yards proposed to be less than the minimum yard requirements which apply in the residential zones shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses

I am confused by this because when the house installed on the commercial lots located at 7th and 101 the explanation regarding the extent to which that lot was being covered was that the underlying zone dictated the allowed lot coverage (R-4 or C-1). The standard above seems to disagree with that. Do “Yard requirement” and “Lot coverage” overlap in meaning/requirements?

Perhaps clarification and adjustment need to be made:

****Regarding lot coverage of R-2, R-3, R-4 and C-1, if a single-family home is placed on a lot zoned anything but R-1 restrict lot coverage to the coverage allowed on a R-1 lot rather than allow a single-family home built on a lot zoned for multi-family or commercial to occupy the coverage allowed for the higher density use.

Chapter 9.48.010 general requirements

E. Off-Street Parking: Rather than referring to Chapter 9.48 give the number of required spaces and size under each residential zone.

F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum City Road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.

Revise with: Add permeable paving preference.

Revise: And be so drained as to avoid flow of water across public sidewalks.

To: Avoid run off affecting or across adjoining properties, public streets and sidewalks.

Chapter 9.16.020 R-2 Permitted uses (pertains to R-1 thru R-4):

B. States that a recreational vehicle is allowed during construction and must be removed within one year.

Then C: Recreational Vehicle. See Chapter 9.68.020

9.68.020 B states Recreational vehicles may be parked on owner's personal lot only, unless in commercial storage. **Does not address use or long-term personal storage**

9.12.040 Standards States in part:

B-2Corner side yards shall not be used for.....permanent storage of trailers, boats, and recreational vehicles.....

9.68.060 Recreational Vehicles:

Recreational vehicles may be parked by an owner on his or her own land for non-rental temporary living purposes as follows:

- A. The recreational vehicle shall be accessory to a permanent residential dwelling.
- B. Recreational vehicles shall not be connected to the City sanitary sewer system.
- C. No more than thirty (30) days per calendar year with no more than fourteen (14) consecutive days for any one stay. Requests for extended time limits requires approval by the Planning Commission through a Variance procedure.
- D. Review Procedure. An executed permit is required before any person occupies a recreational vehicle for temporary living purposes. Failure to complete the application form and secure an executed permit in advance is a violation of City Code.

Recommendation: Clarity is needed regarding the use and storage of recreational vehicles. What types and sizes of Recreational Vehicles are meant; 20'? 35'? 50'? Fifth wheel? Boat trailer? Can they be permanently stored on a residential property? If so, how?

It also could be helpful to include a limitation on vehicle size ie. "Oversized vehicles" when revising parking codes.

Attached is a sample draft for revising Section 9.68.060.