

Planning Commission Discussion of Possible City of Yachats Municipal Code Amendments

[Note: Incorporates Planning Commission input from July 12 work session up to “Dwelling”.]

Title 9 – Zoning and Land Use

Section 9.04.020 Purpose.

The Planning Commission reached consensus on substituting the following for the existing Purpose text:

“The purpose of this title is to establish a set of zoning, subdivision, and land development regulations for the City designed to protect and promote the public health, safety, and general welfare, advance the position of Yachats as a small, coastal community, and achieve the following objectives:

1. Fulfill the goals of the City of Yachats Comprehensive Land Use Plan.
2. Ensure that land uses complement the natural beauty of Yachats’ location and its environment, which has led to Yachats’ long-standing reputation as “The Gem of the Oregon Coast”.
3. Guide the establishment of public, commercial, professional and residential uses, including their siting, design materials, and landscaping, within reasonable variation, so that they shall enhance rather than detract from the quiet coastal ambiance of the City.
4. Ensure that sufficient vacant and redevelopable buildable land shall be zoned for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the Yachats community.
5. Ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.

6. Protect residential, commercial, and public areas from the intrusion of incompatible uses, and insure preservation of adequate space for commercial, professional and other activities necessary for a healthy economy.
7. Promote safe and efficient movement of people and goods without sacrifice to the quality of Yachats' environment, and to provide for adequate off-street parking.
8. Encourage new development to use energy-efficient design, siting, and construction materials and methods.
9. Protect and enhance the City's natural, historic, and scenic resources, including the Yachats River estuary, City shorelands, and City water supply.
10. Regulate activities within geologic hazard areas of the City and limit development that may affect the integrity of steep slopes or impact fire hazards."

Section 9.04.030 Definitions

The Planning Commission reached consensus on the following new or revised definitions:

"Dwelling, Accessory"

"Means an accessory structure specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property."

"Bed and Breakfast Facility"

"Means any single-family dwelling containing rooms for rent in accordance with Section 9.72.050, excluding any dwelling that meets the definition of Vacation Rental.

"Building Code"

"Means building, fire, safety, and other codes adopted by state, county and municipal agencies."

"Building Coverage"

"Means the portion of the lot area that is covered by buildings. The area of the buildings shall be measured at their exterior perimeter. Buildings include dwellings, accessory structures, garages and carports."

"Clear Vision Area"

“Means a triangle defined on two (2) sides by a minimum distance along vehicle pathways from the intersection of the curb line or, where no curb exists, the edge of the street, alley, or driveway surface edge, and on the third side by the line across the corner of the non-intersecting ends of the two (2) other sides. See the regulations of Section 9.64.010.A of this Title.”

The Planning Commission reached consensus on deleting the term “apartment” and its definition.

The Planning Commission reached consensus to strike “/Porch” from the existing term “Deck/Porch”, but did not reach consensus on a new definition for “Deck”.

“Deck/Porch”

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

Sample alternatives:

“Deck – Means 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.” (Jac.)

“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.” (Jac.)

(End of progress 7/12/22)

“Dwelling”

Existing: Means a building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels, or tourist courts.

Sample alternative:

“Means a building or portion thereof which is occupied in whole or in part as a residence, either permanently or temporarily, by one or more families, but excluding hotels, motels, and tourist courts, with permanent provision for living, sleeping, eating, food preparation, and sanitation.

Dwellings include both buildings constructed on-site and manufactured homes.” (City of Florence)

“Dwelling, Vacation Rental”

Existing: Not currently defined in Title 9.

Sample definition (from Title 4 of YMC):

“Means single-family dwelling, duplex, or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week, excluding any facility that meets the definition of “bed and breakfast facility” (added). The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation or reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental dwelling if the dwelling otherwise is held out as available for occupancy for periods of not less than thirty (30) days.” (YMC slightly edited)

“Height of Building”

Existing: “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, 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.”

Sample alternatives:

“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 height.” (Jac.)

“Means the vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the peak height of the highest gable of a pitch, shed, or hip roof.” (City of Florence)

“Means the vertical distance above a referenced datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gables of a pitched or hipped roof. For the purpose of residential zones, building height shall be the vertical distance above a referenced datum measured to the highest point of the roof. The referenced datum shall be whichever of the following two measurements results in the greater building height:

- (A) The referenced datum is the lowest grade when the highest ground surface within a five-foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above the lowest grade.
- (B) The referenced datum is ten (10) feet higher than the lowest grade when the highest ground surface described in item (A) above is ten (10) feet or more above the lowest grade.” (City of Eugene)

(Note: Samples of building height definitions typically included an illustration to help explain the method for determining building height. I did not include them here.)

“Hotel”

Existing: “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”.”

Sample alternatives:

“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, spas, saunas, swimming pools, and other personal services.” (Jac., edited)

“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.” (Jac.)

“Means a building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms.” (City of Bandon)

“Hotel/motel means a building or group of buildings containing six (6) or more guest rooms that are used, rented, or hired out for sleeping purposes on a nightly or weekly basis. Guest rooms may have cooking facilities and may or may not be accessible from an outdoor parking area. (City of Eugene)

“Means any building or group of buildings used for transient residential purposes, containing four (4) or more guest units with or without house-keeping facilities.” (City of Florence)

“Hotel (transient), means a building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an opening directly to the outdoors (except for emergencies), with or without cooking facilities, and where fifty (50) percent or more of the lodging rooms are for rent to guests for a continuous period of less than thirty (30) days. Short-term rental use of a single-family, duplex, or triplex is not a hotel use.” (City of Newport)

“Hotel (non-transient), means a building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an opening directly to the outdoors (except for emergencies), where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, and where fifty (50) percent or more of the lodging rooms are for rent to guests for a continuous period of thirty (30) days or longer. Short-term rental use of a single-family, duplex, or triplex is not a hotel use.” (City of Newport)

(Note: See “Motel”)

“Impervious surface”

Existing: (Not currently defined)

Sample definition:

“Means a surface that has been compacted or covered with a layer of material so that it prevents or is resistant to the infiltration of water, including, but not limited to, structures such as roofs, buildings, storage sheds; other solid, paved, or concrete areas such as streets, driveways, sidewalks, parking lots, patios, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials.” (PA municipality)

“Impervious surface ratio”

Existing: (Not currently defined)

Sample definition:

“Means a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within a site by the gross lot area.” (PA Municipality)

(Note: “Impervious surface ratio” could be substituted for the term “lot coverage”, and serve as a standard for all base zoning districts. For example, for the R-1 District:

“Maximum impervious surface ratio” – 30%

“Motel”

Existing: “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.”

“Motel or other tourist accommodation means a structure or part of a structure, containing motel rental units, occupied or designed for occupancy by transients for lodging or sleeping and including the terms “hotel” and “inn”, but shall not include the term “bed and breakfast establishment” or the transient occupancy of a dwelling unit regulated by this title.” (City of Cannon Beach)

“Means a building or group of buildings on the same site containing guest units with separate entrances directly to the exterior and consisting of individual sleeping quarters, detached or in connected rows, for rental to transients. (City of Bandon)

“Hotel/motel means a building or group of buildings containing six (6) or more guest rooms that are used, rented, or hired out for sleeping purposes on a nightly or weekly basis. Guest rooms may have cooking facilities and may or may not be accessible from an outdoor parking area. (City of Eugene)

“Motel (transient), means a building or groups of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, with or without cooking facilities, and where fifty (50) percent or more of the lodging rooms are for rent to guests for a continuous period of less than thirty (30) days. Vacation rental use of a single-family, duplex, or triplex, as defined in this Ordinance, is not a motel use.” (City of Newport slightly edited)

“Motel (non-transient), means a building or groups of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, and where fifty (50) percent or more of the lodging rooms are for rent to guests for a continuous period of thirty (30) days or longer. Vacation rental use of a single-family, duplex, or triplex, as defined in this Ordinance, is not a motel use.” (City of Newport slightly edited)

“Lot coverage”

Existing: (Not currently defined, although the term “lot coverage”, as a standard within all base zoning districts, is limited to buildings, porches and decks.)

Sample alternatives:

“Means that portion of a lot which, when viewed directly from above, would be covered by buildings, access ways, parking spaces and surfaced areas.” (City of Florence)

“Means the percentage of the gross lot area that is fully covered by impervious surfaces.” (PA municipality)

“Lot coverage means the portion of the lot area that is covered with the following improvements:

- (1) The area of the exterior perimeter of all buildings, including dwellings, accessory buildings, garages, and car ports; and
- (2) The area of all structures that are thirty (30) inches in height above the existing grade, including porches, decks, stairways; and
- (3) Paved or graveled areas designated for off-street parking; and
- (4) That portion of the area of decks, less than thirty (30) inches in height above the existing grade, patios, courtyards, and graveled and paved areas, other than designated off-street parking, which exceeds twenty-five (25) percent of the allowable lot coverage; and
- (5) Fifty (50) percent of areas covered with a defined pattern of void spaces to accommodate soil, live vegetation, and drainage between the structural elements, such as Grasscrete or similar treatments.

The following improvements shall not be included in the calculation of lot coverage:

- a. Projections from buildings such as eaves, overhangs, and bay windows which meet the requirements of Section _____; projections into required yards;
- b. Arbors not exceeding one hundred twenty-five (125) square feet in area; and
- c. Decks, less than thirty (30) inches in height above the existing grade, patios, courtyards, and graveled and paved areas, other than designated off-street parking, whose total area does not exceed twenty-five (25) percent of the allowable lot coverage.” (City of Cannon Beach)

“Lot line, street side”

Existing: (Not currently defined)

Proposed definition:

“Means the side lot line at abutting street.” (Loren)

“Patio”

Existing: (Not currently defined)

Sample definitions:

“Means a paved outdoor area adjoining a house.” (Jac.)

“Means 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.” (Jac.)

“Parking space, off-street”

Existing: Means a parking space located outside of a public right of way with minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking spaces shall have surfaces such as gravel, pavement, tile, brick, or concrete suitable for parking a vehicle. Required off-street parking spaces shall not be located in a required yard that abuts a street.”

Sample alternative:

“Means a parking space located outside of a public right of way with minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking spaces shall have surfaces such as gravel, pavement, tile, brick, or concrete suitable for parking a vehicle.”

(Note: The text which is proposed to be deleted from the existing paragraph above is a regulation, and would most appropriately be added to Section 9.48.010 of Title 9.)

“Parking space, accessible”

Existing: (Not currently defined)

Sample definition:

“Means an off-street parking space for handicap access to or from a vehicle, designed in accordance with the Americans with Disabilities Act (ADA). The accessible parking space shall be at least nine (9) feet wide with an adjacent access aisle at least six (6) feet wide. The access aisle shall be at least eight (8) feet wide for an accessible parking space designated as “van-accessible” or reserved for wheelchair users only.” (Oregon Transportation Commission, edited)

“Porch”

Existing: “Means an outside walking area, the floor of which is elevated more than eight (8) inches from the ground.”

Sample alternative:

“Means an open structure that has breathable walls, but protection above it, usually, a covered shelter projecting in front of the entrance of the building.” (Jac.)

“Yard”

Existing: Means a space other than a court on the same lot with a building open to the ground.”

Sample alternatives:

“Means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.” (City of Florence)

“Means a required space on the same lot with a building, unoccupied, and unobstructed from a point 30 inches above grade upward, except as otherwise provided herein.” (City of Eugene)

“Yard, Front”

Existing: Means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

Sample alternative:

“Means an area lying between the side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.” (City of Florence)

“Yard, Rear”

Existing: Means a yard extending across the full width of the lot between the most rear main building and the rear lot line; but for determining the depth of the required rear yard it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the main building.

Sample alternative:

“Means an area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.” (City of Florence)

“Yard, Street Side”

Existing: (Not currently defined)

Sample definition:

“Means a yard extending across the full length of a corner lot, the depth of which is the minimum horizontal distance between the lot line abutting the street and a line parallel thereto at the nearest point of the foundation of the main building. The minimum depth for a street side yard is the same as that required for the front yard of a corner lot.” (John T.)

“Means a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.” (Lincoln County) *(Check for compatibility with definition of “lot, corner”)*

(Note: Most zoning ordinances don’t include the term “street side yard” because a corner lot is typically regulated as having two required front yards, one required side yard, and one required rear yard.)