

Planning Commission Discussion of Possible City of Yachats Municipal Code Amendments

[Note: Incorporates Planning Commission input through October 18th regular meeting up to “Impervious Surface”, but still considering “height of building” and reconsidering “hotel/motel” and “dwelling, vacation rental.” Terms are not always in alphabetical order.]

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.”

“Deck”

“Means an unenclosed structure or platform, constructed outdoors, that may either be independent or attached to a building and is intended for the purpose of outdoor dining, lounging, and other similar accessory residential use.”

“Dwelling”

“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 resorts, with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.”

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” and define each separately. Several alternative definitions for “porch” are provided.

The Planning Commission deferred a decision on “Height of Building” to permit further research and thought. See also accompanying City of Bend code regulations regarding building height provided by Commissioner Danos.

Discussion of selected definitions has ended at this point.

“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)

“Means the average maximum vertical height of a building or structure measured at a minimum of three equidistant points from finished grade to the highest point of the building or structure along each building elevation. Architectural elements that do not add floor area to a building or structure, such as parapet walls, chimneys, vents, and roof equipment are not considered part of the height of a building or structure.” (City of Bend)

“Existing grade”

“Means the existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of a site.” (City of Bend)

“Finished grade”

“Means the final grade of the site after all clearing and grading has been completed that conforms to an approved clearing and grading plan.” (City of Bend)

“Elevation”

“Means a building face, or scaled drawing of the same, from natural grade to the highest point of the structure.” (City of Bend)

(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.)

Members of the Planning Commission in attendance at the October 18th regular meeting had reached consensus on having separate definitions for hotel, motel, inn, and resort, provided they were shortened in length. “Hostel” has also been added. These are now suggested below.

“Hotel”

“Means any building used for lodging other than a motel, inn, or resort, containing six (6) or more guest rooms available for rent on a short-term [thirty (30) or fewer days], or long-term (extended stay), basis. The building has a lobby and check-in area, and is designed with interior corridors for accessing rooms without being outside. Guest rooms may include kitchen facilities, and guest amenities may include pool, gym, lounge, and accessory commercial uses such as restaurants, bars, gift shop, or day spa.”

“Motel”

“Means any building or group of buildings used for transient lodging other than a hotel, inn, or resort, containing six (6) or more guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis. The building(s) is designed so that ingress/egress to guest rooms is outside in the elements and a short distance from parked vehicles. Guest rooms may include kitchen facilities, and guest amenities may include a pool, gym, limited food and beverage services, lounge, and accessory commercial uses such as a gift shop.”

“Inn”

“Means any building used for transient lodging other than a hotel, motel, resort, vacation rental dwelling, or bed and breakfast facility, containing guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis. Such uses have an inn keeper on the premises during normal business hours, with optional food and drink services limited to guests of the inn.”

“Resort”

“Means any building or group of buildings used for transient lodging other than a hotel, motel, or inn, containing six (6) or more guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis, and designed primarily to accommodate vacationers, conferences, or events such as weddings. The building(s) have a lobby and a check-in area, and often occupy sufficient land area for multiple lodging options, conference facilities, guest amenities (ex. pool, tennis,

gym), vehicle (including RV) parking, and accessory commercial uses, such as restaurants, bars, gift shop, day spa, and the like.”

“Hostel”

“Means budget-priced transient lodging where a traveler typically rents a bed in a shared room with communal bathrooms and access to shared kitchen facilities.”

“Transient lodging”

“Means any facility, structure, or portion thereof occupied or intended or designed for occupancy by a guest or guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes for a period of thirty (30) or fewer days.”

In addition, the definition for “dwelling, vacation rental” needs to distinguish such uses from other forms of transient lodging, and is proposed to be modified as follows:

“Dwelling, Vacation Rental”

“Means a single-family dwelling, duplex, or multi-family dwelling which is rented, or held out as available for rent, either in full or in part, 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”. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however: a) each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC, and b) no more than one (1) individual unit may be located in a single dwelling in the R-1 District; no more than two (2) individual units may be located in the R-2 District; and no more than five (5) individual units may be located in the R-3, R-4, and C-1 Districts. A dwelling that 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.”

“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%

“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 alternatives:

“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.)

“Means a covered area adjoining an entrance to a building and usually having a separate roof.” (Christine, Merriam-Webster)

“Means an open structure that is typically located at the rear of a building that forms a part of the means of egress from the building. Porches are typically of differing construction from the principal portion of the building and are separated from the building by a fire rated wall. Porches include decks, stairs and landings but not all of the deck areas are necessarily a part of the means of egress path. A porch may or may not include a roof.” (Christine, City of Chicago)

“Means an unenclosed exterior structure at or near grade attached or adjacent to the exterior wall of any building and having a roof and floor. (Christine, lawinsider.com)

“Means a roofed structure with walls that breathe.”

Walls that breathe

“Means either an open-air porch (basically no walls – only columns), or screened (which air passes through). This specifically means that there are no windows. Our “Walls that breathe” term very specifically means – NOT A SUNROOM. NOT A GLASSED IN ROOM. (Christine, porchco.com)

“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 thirty (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.)