

STAYTON PLANNING COMMISSION AGENDA

7:00 pm Monday, August 31, 2020

TELECONFERENCE MEETING

City officials request all citizens that are able, to join the meeting online from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure.

To watch the live stream of the meeting go to: <https://youtu.be/ahx6PzXkcCg>

Please use the following option to participate in the meeting:

<https://us02web.zoom.us/j/86950535874?pwd=VFBxZWdFVGJHWkFCNFo2UmYzQ0RIUT09>

Meeting ID: 869 5053 5874

Passcode: 019490

- 1. CALL TO ORDER** **Chair Lewis**
- 2. MEETING MINUTES – July 27, 2020**
- 3. REVIEW OF SUGGESTED CODE AMENDMENTS REGARDING RESIDENTIAL ZONING**
- 4. OTHER BUSINESS**
- 5. ADJOURN**

DATE OF NEXT MEETING: Monday, September 28, 2020

**STAYTON PLANNING COMMISSION
MEETING MINUTES**

Monday, July 27, 2020

On-line Meeting held over Zoom

COMMISSIONERS: Jackie Carmichael, Vice-Chair
Dixie Ellard
Heidi Hazel
Ralph Lewis, Chair
Richard Lewis

STAFF MEMBER: Dan Fleishman, Planning & Development Director

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00.
2. **APPROVAL OF MINUTES:** Carmichael moved and Ellard seconded to approve the minutes from June 29, 2020 as presented. The motion was approved 5:0.

3. REVIEW OF SUGGESTED CODE AMENDMENTS REGARDING RESIDENTIAL ZONING

Fleishman reviewed the suggested amendments to residential zoning, summarizing the most recent discussion, at the February meeting. At that time the Planning Commissioners had expressed interest in seeing what various lot sizes, lot widths and densities looked like in “real life.” Fleishman presented a slide show that illustrated seven different subdivisions at different densities. There were three subdivisions in Stayton: Phillips Estates Phase I, Quail Run Phase 4, and Wildlife Meadows. In addition, there were two subdivision in Silverton and two different phases of a subdivision in Corvallis. The presentation included a visual of the subdivision plat, an aerial photo showing hg the subdivision boundaries and various photos taken within the subdivision illustrating how close together the homes were.

Following the review of the slide show the commission decide to do one more review of the amendments prior to proceeding to some public review of the proposed amendments.

4. **OTHER BUSINESS** – None
5. **ADJOURN:** Chair Lewis adjourned the meeting at 7:52



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383
Phone: (503) 769-2998 • Fax (503) 769-2134

dfeishman@ci.stayton.or.us www.staytonoregon.gov

MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: August 31, 2020
SUBJECT: Proposed Code Amendments Regarding Residential Zoning

ISSUE

The issue before the Planning Commission is review of the third draft of proposed Code amendments to completely reorganize the City's Residential Zoning. The Planning Commission has discussed these amendments at various times between the fall and winter and again at the August meeting.

CHANGES FROM SECOND DRAFT

I have made two changes to the suggested amendments from the second draft produced in February. You may recall that we had extensive discussion at the February meeting about how lot width requirements impacted the ability to achieve target densities. As a result of those discussions, I have suggested that the minimum and average lot width requirements be reduced by 20 feet for each of three residential zones: LD from 80 ft. to 60 ft; MD from 70 ft to 50 ft; and HD from 60 ft to 40 ft (see Table 17.16.070.2 on page 21 of the amendments). If a subdivision went through the Master Planned Development review process narrower lots would be permissible. I will have the lot size/density illustrations I showed at the February meeting available if Commission members need to review them.

Secondly, I have added some changes to the standards for accessory dwelling units. When these standards were drafted in 2017 the Planning Commission and City Council included a requirement that either the principal dwelling unit or the accessory dwelling unit be owner-occupied and required that one off-street parking space be provided for the ADU, in addition to the two spaces required for the principal unit. In 2019, the Oregon Legislature enacted a series of bills to address housing issues. Among these was HB 2001, which, in Section 6 prohibits a local government from including an owner-occupancy requirement on ADUs or requiring off-street parking for ADUs. The text of ORS 197.312(5) now reads

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached singlefamily dwellings the development of at least one accessory dwelling unit for each detached singlefamily dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

City of Stayton

(B) “Reasonable local regulations relating to siting and design” does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

I have suggested that the two paragraphs in Section 17.20.240 that require owner-occupancy and the additional parking space be repealed, in order to comply with state law. (see page 28 of the amendments)

The Planning Commission should review the new draft carefully and be prepared to discuss any recommended changes. I know that Richard Lewis had some suggestions for wording changes that would not impact policy or regulation. Perhaps those could be relayed to me individually, so the whole Commission doesn't have to be involved in wordsmithing.

Once the Planning Commission is ready to proceed, I will:

- Post the proposed amendments on the City Website as a separate page, with a method of individuals to express their opinions or suggest changes to the proposed amendments;
- Schedule a public Zoom meeting outside of the regular planning commission meeting schedule for people to discuss the proposed amendments. (Maybe September 14 if that works for Commission members);
- Provide a briefing to the City Council – most likely at their September 21 meeting; and
- Schedule a public hearing for the October Planning Commission meeting. The 35-day notice requirement to DLCD means we can't hold the hearing at the September 28 meeting.



PROPOSED RESIDENTIAL ZONING AMENDMENTS

**FOR PLANNING COMMISSION REVIEW
AUGUST 31, 2020**

17.16.010 PURPOSE

This chapter is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the City, and not limited to, but specifically to achieve the following designated objectives:

1. To protect the character and values of land and buildings and economic stability of sound residential, business, and industrial districts, and to enhance the quality of the desired environment in them by:
 - a. Preventing the intrusion of inharmonious uses.
 - b. Preventing the encroachment on desirable open space appurtenant to each district.
 - c. Providing for safe and efficient movement of existing and future traffic.
 - d. Assuring the provision of necessary off-street parking space for vehicles.
2. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City and strengthen the basis of its private and governmental economy.
3. To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the City from costs which may be incurred when unsuitable, scattered, or premature development occurs.
4. To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
5. To minimize traffic hazard, traffic congestion, and the conflict between land uses and the movement of traffic.
6. To promote within various City areas an attractive and pleasing appearance and to aid in the development of the City by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly, and attractive.
7. To control density and intensity of land use to assure lack of congestion; adequate light, air and privacy; convenience of access to property; and to assure that the economic benefits incidental to zoning will be derived from a broader base area wide, thereby enlarging the opportunity for private investment.

17.16.020 BASIC PROVISIONS

1. COMPLIANCE WITH CODE REQUIRED. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this ~~title~~ Title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.
2. CLASSIFICATION OF ZONES. In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

Residential

- LD Low Density Residential
- MD Medium Density Residential
- HD High Density Residential

Downtown

- CCMU Central Core Mixed Use
- DCMU Downtown Commercial Mixed Use
- DRMU Residential Mixed Use
- DMD Downtown Medium Density Residential

Commercial

- CR Commercial Retail
- CG Commercial General
- ID Interchange Development
- CP Commerce Park

Industrial

- IC Industrial Commercial
- IL Light Industrial
- IA Industrial/Agricultural

Public

- P Public/Semi Public

Overlay Districts

- NR Natural Resource Overlay District
- FP Flood Plain Overlay District

3. OFFICIAL ZONING MAP
 - a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this ~~code~~ Title.
 - b. Such map shall constitute the official record of the zones within the City as of August 15, 2019 and thereafter as the map may be modified in accordance with the provisions of this ~~title~~ Title.
 - c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.
4. ZONING OF ANNEXED LAND

Proposed Residential Zoning Amendments
For Planning Commission Review August 31, 2020

All lands which may hereafter be annexed to the City shall be zoned in conformance with the designation of the property on the Comprehensive Plan.

17.16.030 GENERAL REQUIREMENTS

1. **MINIMUM REQUIREMENTS.** In interpreting and applying this Chapter, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. **MINIMUM STREET WIDTH.** All street rights-of-way shall conform to requirements in Chapter 17.26.
3. **LOTS ABUTTING A PARTIAL STREET**
 - a. No building permit shall be issued for a building or structure on a lot which abuts that side of a partially dedicated street that has not yet been dedicated or condemned.
 - b. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this ~~title~~[Title](#).
4. **STREET DEDICATIONS AND PUBLIC IMPROVEMENTS.** Street dedications and public improvements are to be installed in accordance with the provisions of Chapters 12.04 and 12.08.
5. **BUILDINGS TO BE ACCESSIBLE TO PUBLIC STREET.** Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon:
 - a. A public street
 - b. City-approved easement in accordance with 17.26.020.4.f. An easement shall not serve more than 4 dwelling units.

17.16.040 GENERAL ADMINISTRATIVE

1. INTERPRETATIONS OF ZONING CODE

- a. When, in the administration of this ~~title~~Title, there is doubt regarding its intent or provisions, the City Planner shall request an interpretation of the provisions by the Planning Commission. The Planning Commission shall issue an interpretation of the question only if the Planning Commission has determined that such interpretation is within their power and is not a legislative act.
- b. Any interpretation of the general provisions of this ~~chapter~~Chapter shall be as specified in Section 17.04.040. Interpretations of zone boundaries and of allowed uses within specific zoning districts shall take place as specified in Sections 17.16.040.2 and 17.16.040.3.

2. INTERPRETATION OF ZONING BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- a. Where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of such district.
- b. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be block lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- c. Where the district boundaries appear to cross non-subdivided parcels on the zoning map, the district boundaries shall be determined by use of the scale contained on such map.

3. USES NOT SPECIFICALLY COVERED. The City Planner may permit in a zone any use not referenced as a permitted or conditional use in any district listed in this chapter, if he finds that the proposed use is in general keeping with the uses authorized in such district as measured by criteria in this section. In making such an interpretation, the Planner shall consider the following factors:

- a. Size, scale, configuration, bulk, and other characteristics of the requested use.
- b. Physical and operational similarity of the use to uses now allowed in the zone.
- c. Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.

The Planner shall issue written findings reporting the results of this interpretation. By use of this procedure the Planner shall not permit a use that is allowed in another zone. All uses authorized by this process shall, prior to development, be subject to site plan review approval.

4. CHANGE OF USE

- a. Permit Required. The change of use of a building, a portion of building, or a lot shall require a permit from the City Planner.

b. Application Requirements.

- 1) An application for a change of use permit shall be submitted on a form prescribed by the City.
 - a) Within 5 days of submittal the City Planner shall determine whether the application is complete.
 - b) Within 10 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
 - c) The decision shall be issued in writing.
- 2) Prior to approval of the application for a change of use permit, the City Planner shall determine that the proposed use is a permitted use in the zone in which the use is proposed. If the proposed use is a conditional use, the City Planner shall inform the applicant and provide the applicant with an application for a Conditional Use. If the proposed use is not permitted in the zone, the City Planner shall deny the application.
- 3) Prior to approval of the application for a change of use permit, the City Planner shall determine that the standards of Section 17.20.060.7.a will be met.

17.16.050 NON-CONFORMANCE

The standards and regulations of this ~~code~~-Title embody the City's vision for the future development of the City. It is the intent of this ~~Code~~-Title that non-conformances be allowed to continue but that with future development, be brought into conformance with the standards and regulations.

1. CONTINUATION OF LAWFUL USE. Any non-conforming structure, lot, use or development legally existing on February 1, 2007, may be continued but may not be extended, expanded, reconstructed, enlarged, or structurally altered except as specified as follows:
2. REPAIR AND MAINTENANCE. Except as otherwise provided in this chapter, non-conforming developments and premises occupied by non-conforming uses may be repaired and maintained without restriction.
3. NON-CONFORMING STRUCTURES.
 - a. Restoration or Reconstruction. Any non-conforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed within 1 year of the date of the damage or destruction provided its non-conformity is not increased and it complies with the building code.
 - b. Alteration. Non-conforming structures may be altered or enlarged provided the addition or alteration is no more nonconforming than the existing structure. If the addition or alteration is within the required side or rear setbacks, the applicant shall present a written statement from the Fire Chief that the expansion will not cause a fire or safety hazard.
4. NON-CONFORMING USES
 - a. Discontinuation of Use. If a non-conforming use is discontinued for more than 1 year, or superseded by a conforming use, the non-conforming use shall not be resumed. Any subsequent use shall conform to the underlying zoning district.
 - b. Expansion. Except for single family detached dwellings, a non-conforming use shall not be extended into a different or greater area of a lot. Single family detached dwellings that are non-conforming uses may be enlarged as long as the dimensional requirements of the district in which they are located are met.
5. NON-CONFORMING LOTS
 - a. Vacant Non-conforming Lots.
 - 1) A vacant non-conforming lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership at the time of or since adoption or amendment of this code. Proposed structures on any nonconforming lot larger than 7,000 square feet in area or with a lot width of 70 feet or more shall meet all the setback and development standards. The side and rear setback requirements of Section 17.16.070.3 may be reduced by 50% for lots that are 7,000 square feet or less in area or with a lot width of 70 feet or less. In addition, a legally existing nonconforming corner lot may have a front setback of only 75% of that required by Section 17.16.070.3 on the front which does not have vehicular access directly to a street.
 - 2) If two or more contiguous lots of record are in same or common ownership at the time of or since adoption or amendment of this code, and if all or some of the lots do not meet the

dimensional requirements of this code, the lots shall be combined to the extent necessary to meet the dimensional standards of the district in which it is located.

- b. **Built Nonconforming Lots.** A structure on a nonconforming lot may be expanded or altered provided those changes can meet all the setback and development standards.
6. **NONCONFORMING DEVELOPMENT.** A nonconforming development shall not be substantially altered or expanded unless the development complies with all applicable standards of this code. In determining whether an alteration or expansion of a nonconforming development is substantial, the decision authority shall consider the square footage of the alteration in comparison to the total square footage of the development, the value of the alteration compared to the total value of the development, and the extent to which the portion of the development is leased property.

17.16.060 **DISTRICT PURPOSES** DESCRIPTIONS

1. **LOW DENSITY RESIDENTIAL.** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not be less than 4.5 units per acre and not exceed 6 units per acre.
2. **MEDIUM DENSITY RESIDENTIAL.** To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not be less than 7 units per acre and not exceed 12 dwelling units per acre.
3. **HIGH DENSITY RESIDENTIAL.** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. Density shall not be less than 13 units per acre and not exceed 24 units per acre. ~~The minimum density shall be 13 units per acre and not exceed 24 units per acre. There shall be no upper limit to the maximum allowable dwelling density.~~
4. **DOWNTOWN MEDIUM DENSITY RESIDENTIAL.** To provide for compact residential development in proximity to the downtown core, subject to design requirements to assure a high level of quality. Density of development shall not be less than 10 dwelling units per acre and not exceed 15 dwelling units per acre.
5. **COMMERCIAL RETAIL.** To provide for retail, service, office, and other commercial activities, accessory uses and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
6. **COMMERCIAL GENERAL.** To provide for heavier commercial activities, their accessory structures, and other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
7. **INTERCHANGE DEVELOPMENT.** To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
- 7-A **COMMERCE PARK.** To provide for a mix of retail and other commercial uses as well as small-scale light manufacturing. Residential uses are permitted, provided they are part of live-work development.
8. **CENTRAL CORE MIXED USE.** To promote compact commercial and mixed commercial-residential development within the central downtown area of the city. This district encompasses the existing core area of the downtown, centered on 3rd Avenue.
- 8-A **DOWNTOWN COMMERCIAL MIXED USE.** To promote compact commercial and mixed commercial-residential development the portion of the 2nd Avenue that has traditionally had a concentration of automobile repair and other auto-oriented businesses. Residential uses are permitted, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments.
9. **DOWNTOWN RESIDENTIAL MIXED USE.** To provide opportunities for residential, commercial and mixed use developments as part of the downtown area. This designation is

applied to property north, west and east of the 3rd Avenue central core area, intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments.

10. **INDUSTRIAL COMMERCIAL.** To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
11. **LIGHT INDUSTRIAL.** To provide for light manufacturing, assembly, or storage areas that will not conflict with less intensive uses.
12. **INDUSTRIAL AGRICULTURE.** To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
13. **PUBLIC/SEMI-PUBLIC.** To allow for the location and use of lands, buildings, and facilities that are used by the public in a manner that will not unreasonably disrupt or alter areas of the community.
14. **NATURAL RESOURCES OVERLAY DISTRICT.** To protect aquifers, the natural riparian area adjacent to the North Santiam River, Mill Creek, Stayton Ditch, Salem Ditch, and Lucas Ditch. The overlay district establishes siting criteria and operating standards that minimize environmental impacts.
15. **FLOODPLAIN OVERLAY.DISTRICT.** To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.

Proposed Residential Zoning Amendments
For Planning Commission Review August 31, 2020

17.16.070 DISTRICT REGULATIONS

1. PERMITTED AND CONDITIONAL USES. The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

- P = Permitted Use
- C = Conditional Use
- S = Permitted Use after Site Plan Review for new construction or expansion of an existing structure. See Section 17.16.040.4 for existing structures
- C/S = Conditional Use after Site Plan Review
- = Prohibited Use

Table 17.16.070.1 Permitted Land Use

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
RESIDENTIAL USES																
1	Single-Family Detached Dwellings ^{s-12}	P ¹	P ¹		P ¹	S ²	S ²									
1a	Single-Family Attached Dwellings ^s	S ¹		S ¹	S ¹	S ²	S ²		C/S ¹	S ¹	S ¹					
2	Manufactured Home ⁻¹²	P ¹	P		P ¹											
3	Duplex		P ¹³		P ¹³	S ²	S ²		C ¹	P ¹	P ¹					
4	Triplex		S ¹		S ¹	S ²	S ²		C/S ¹	S ¹	S ¹					
5	Multi-Family Dwellings ^s			S ¹	S ¹	S ²	S ²		C/S ¹	S ¹	S ¹					
6	Mobile Home Park		S	S												
7	Dwelling as a caretaker residence													S		
7a	Dwelling as part of a live-work unit					S	S	S	S	S	S		S	S		
8	Residential Group Home	P	P		P ¹											
9	Residential Facilities		S	S	S				C ¹	P ¹	P ¹					
COMMERCIAL USES																
Retail Trade																
10	Retail Stores not specifically listed below					S	S	S	S	S	S					
11	Automobile Dealers					C/S	S	S								

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
12	Automotive Parts, Accessories, & Tire Stores					S	S	S	S	S	S					
13	Building Material & Supplies Dealers					S	S	S	S	S	S					
14	Lawn and Garden Equipment & Supplies Stores					S	S	S	S	S	S		S		S	
15	Food & Beverage Stores					S ³	S	S ³	S	S	S	S ⁴				
16	Gasoline Stations					S	S	S				S				
17	General Merchandise Stores					S ³	S	S	S	S	S					
18	Gift & Novelty stores					S	S	S	S	S	S	S				
19	Manufactured Home Dealers							S					S			
20	Direct Selling Establishments (except food)						S	S					C			
Finance and Insurance																
21	Commercial Banking & Related Activities					S	S	S	S	S	S	S ¹⁴				
22	Securities, Other Financial Investments & Related Activities					S	S	S	S	S	S					
23	Insurance Carriers & Related Activities					S	S	S	S	S	S					
Professional, Scientific and Technical Services																
24	Offices of Professionals providing Legal, Accounting, Tax Preparation, Bookkeeping, Payroll, Advertising & Related Services					S	S	S	S	S	S					
25	Offices of Physicians, Dentists, & Other Health Practitioners					S	S	S	S	S	S					
26	Outpatient Care Centers					S	S	S	S	S	S		S			
27	Medical & Diagnostic Laboratories						S	S	S	S	S		S			
28	Home Health Care Services						S	S	S	S	S		S			
29	Architectural, Engineering, & Related Services					S	S	S	S	S	S		S			
30	Specialized Design Services					S	S	S	S	S	S		S			
30a	Photographic Services					S	S	S	S	S	S		S			

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
31	Management, Scientific, Technical Consulting, Computer Systems Design, & Related Services					S	S	S	S	S	S					
32	Scientific Research & Development Services					C/S	S	S	S	S	S		S			
33	Veterinary & Pet Care Services					S	S	S	S	S	S					
33a	Other Professional Services					S	S	S	S	S	S		S			
	Information															
34	Offices of Publishing Industries (except internet)						S	S	S	S	S		S			
35	Radio & Television Broadcasting Offices & Studios					S	S	S	S	S	S					
36	Internet Publishing & Broadcasting					S	S	S	S	S	S					
37	Telecommunications except Broadcast and Telephone Towers					S	S	S	S	S	S		S			
37a	Broadcast or Telephone Tower			C/S		C/S	C/S	C/S	C/S	C/S	C/S					
38	Libraries & Archives						S	S	S	S	S					S
	Real Estate and Rental and Leasing															
39	Offices of Real Estate Sales & Rental Companies					S	S	S	S	S	S					
40	Self-Storage Facilities						C/S	C/S					S	S		
41	Automotive Utility Trailer, & RV Equipment Rental and Leasing Services						C/S	C/S		S			S			
42	Consumer Goods Rental					C/S	S	S	S	S	S					
43	General Rental Centers						S	S								
44	Commercial & Industrial Machinery & Equipment Rental and Leasing Services							S					S	S		

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
	Management of Companies and Enterprises															
45	Offices of Businesses, Non-Profit Organizations, & Governmental Agencies					S	S	S	S	S	S					
	Arts, Entertainment and Recreation															
46	Performing Arts, Spectator Sports, & Amusement & Recreation Facilities					S	S	S	C/S	C/S	C/S				S ⁵	S ⁶
46a	Fitness and Recreation Sports Centers					S	S	S	S	S	S					
47	Museums, Historical Sites, & Similar Institutions								S	S	S					S
48	Golf Courses														S	
49	Public Parks															S
50	Hotel, Motel, Inn					S	S	S	C/S			S				
51	RV Parks and Recreational Camps											S			S	
52	Bed & Breakfast	C	C	C	C	S	S		S	S	S	S				
53	Eating & Drinking Places					S	S	S	S	S	S	S				
54	Caterers & Mobile Food Services						S	S								
	Administrative Support Services															
55	Office Administrative Services					S	S	S	S		S					
56	Employment Services						S	S	S		S		S			
57	Business Support Services					S	S	S	S		S					
58	Travel Arrangement & Reservation Services					S	S	S	S		S					
59	Investigation & Security Services					S	S	S	S		S					
60	Exterminating & Pest Control Service							S					S	S		
61	Janitorial, Carpet & Upholstery Cleaning Services						S	S					S			
62	Landscaping Services						S	S					S		S	
	Other Services															
63	General Automotive Repair					S	S	S		S						

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
63a	Heavy Automotive Repair						S	S								
64	Automotive Body, Paint, Interior, and Glass Repair						C/S	C/S		S			S	S		
65	Automobile Oil Change & Lubrication Shops					C/S	S	S					S			
66	Car Washes					C/S	S	S					S			
67	Electronic & Precision Equipment Repair & Maintenance						S	S								
68	Commercial & Industrial Machinery & Equipment (except Automotive & Electric) Repair & Maintenance							S					S	S		
69	Personal & Household Goods Repair & Maintenance						S	S	S	S	S		S			
70	Personal Care Services					S	S	S	S	S	S					
71	Funeral Homes & Funeral Services					S	S	S	S	S	S					
72	Cemeteries & Crematories															S
73	Dry Cleaning & Laundry Services					S	S	S	S	S	S					
74	Photofinishing					S	S	S	S	S	S					
75	Parking Lots and Garages					S	S	S	S	S	S					S
INDUSTRIAL USES																
	Manufacturing															
76	Food Manufacturing (except for animal slaughtering and processing and seafood preparation)					S	S	S	S ¹⁶	S ¹⁶	S ¹⁶		S	S	C/S ⁷	
77	Beverage Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
78	Textile Mills & Textile Product Mills							C/S	S ¹⁶	S ¹⁶	S ¹⁶			C/S		
79	Apparel & Leather Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
79a	Wood Products Manufacturing							C/S	S ^{16, 17}	S ^{16, 17}	S ^{16, 17}			C/S		

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
80	Paper Mills & Paperboard Mills							S						S		
81	Converted Paper Product Manufacturing							S						S		
82	Printing & Related Support Activities					S ⁸	S ⁸	S ⁸	S ⁸	S ⁸	S ⁸		S	S		
83	Chemical, Plastics, Rubber Products, & Nonmetallic Mineral Products Manufacturing													C/S		
84	Primary Metal Manufacturing													C/S		
85	Fabricated Metal Product Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
86	Machinery Manufacturing							S					S	S		
87	Computer & Electronic Product Manufacturing							S					S	S		
88	Electrical Equipment, Appliance & Component Manufacturing							S					S	S		
89	Transportation Equipment Manufacturing							S					S	S		
90	Furniture & Related Product Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
91	Miscellaneous Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
	Construction															
92	Building Construction Contractors							S					S	S		
93	Heavy & Civil Engineering Construction Contractors							S					S	S		
94	Specialty Trade Contractors							S					S	S		
	Transportation and Warehousing															
95	Air Transportation (passenger or freight)							C/S ⁹						C/S ⁹		C/S
96	Rail Transportation													S		
97	Truck Transportation (general freight & specialized freight)							S					S	S		

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
98	Transit & Ground Passenger Transportation (amended by Ord. 906, June 16, 2008)					C/S	S	S	C/S	C/S	C/S		S	S		S
99	Motor Vehicle Towing							S					S	S		
100	Postal Service						S	S	S	S	S					S
101	Couriers & Messenger Service					C/S	S	S	S	S	S					
102	Warehousing & Storage (except self-storage)							S					S	S		
103	Automotive Wrecking Yard, Junkyard												S	C/S		
104	Boat & RV Storage												S			
Wholesale Trade																
105	Merchant Wholesalers						C/S	C/S								
106	Wholesale Electronic Markets & Agents & Brokers						S	S					S			
107	Electric Power Generation Facilities													S		C/S
108	Electricity Transmission & Distribution Facilities												S	S	S	S
109	Natural Gas Distribution Facilities												S	S		S
110	Water or Sewage Treatment Plants															S
Waste Management and Remediation Services																
111	Water or Sewage Collection or Distribution Facilities & Pump Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
112	Solid Waste Collection Facilities													S		S
113	Solid Waste Treatment and Disposal															S
114	Waste Remediation Services													C/S		
115	Materials Recovery Facilities							S						S		S ⁶
AGRICULTURAL USES																
116	Crop Production							S ¹⁵					S ¹⁵	S ¹⁵	S	

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Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P	
PUBLIC INSTITUTIONS																
Public Administration																
117	Justice, Public Order, & Safety Activities					S	S	S	S	S	S				S	
Health and Social Assistance																
118	Hospitals					C/S	S	S							S	
119	Nursing & Residential Care Facilities	C	C	C/S												
Educational Services																
120	Day Care Facility	C/S	C/S	C/S		S	S	S	S	S	S		S	S ¹⁰	S ¹⁰	
121	Family Child Care Center	P	P	P					P	P	P					
122	Elementary & Secondary Schools, Junior Colleges, Colleges, Universities, & Professional Schools					S	S	S	S	S	S				S	
123	Business Schools & Computer & Management Training					S	S	S	S	S	S					
124	Technical, Trade or Other Schools & Instructions					S	S	S	S	S	S					
125	Educational Support Services					S	S	S	S	S	S				S	
Religious and Civic Organizations																
126	Places of Worship								S	S	S				S	
127	Social & Civic Organizations					S	S	S	S	S	S					
ACCESSORY & OTHER USES																
128	Antennas > 55 feet high	C	C	C		P	P	P	P	P	P	P	P	P	C	P
129	Antennas > 75 feet high	C	C	C		C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C	C/S
130	Home Occupations	P	P	P ¹¹		P	P		P	P	P					
131	Accessory Uses	P	P	P		P	P	P	P	P	P	P	P	P	P	
132	Accessory Structures	P	P	P		P	P	P	P	P	P	P	P	P	P	
133	Open Storage Areas					P	P	P				P	P	P	P	
134	Outdoor Storage Yard											P	P			

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Notes to Table 17.16.070.1

¹ Subject to design requirements, see Chapter 17.20

² Only as part of mixed use development, and not on the ground floor

³ Limited to 8,000 square feet gross floor area

⁴ Convenience stores only

⁵ Limited to arenas and fairgrounds

⁶ Only owned by a public/semi-public entity

⁷ Fruit and Vegetable Canning, Pickling, Freezing, and Drying only

⁸ Quick printing or under 10,000 square feet gross floor area

⁹ Heliport only

¹⁰ As an accessory use only

¹¹ Only if no employees other than residents, otherwise, C

~~¹² Only one single family or manufactured home per lot~~

¹³ Site plan review is required if there is more than one duplex on a parcel.

¹⁴ With no less than two drive-thru lanes and a drive-up automatic teller machine.

¹⁵ Indoors only

¹⁶ Limited to 8,000 square feet gross floor area; a minimum of 15% of floor area must be for retail sales of products to the public accessible directly from the street

¹⁷ Not including Sawmills and Wood Preservation; Veneer, Plywood, and Engineered Wood Product Manufacturing; Wood Container and Pallet Manufacturing; or Manufactured Home Manufacturing

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2. ~~DIMENSIONAL REQUIREMENTS FOR LOTS~~DENSITY AND LOT DIMENSIONS.

a. ~~All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section~~Residential Zones.

1) Residential zones within the City are intended to provide the full range of needed housing to the residents of the City and the Region in accordance with Statewide Planning Goal 10, the Housing and Land Use goals and policies of the Stayton Comprehensive Plan, and ORS Chapter 197. Residential Districts are also intended to promote the livability, stability, and improvement of the City’s neighborhoods. The City’s three residential zones vary primarily by the number of dwellings that shall be constructed per acre and the type of housing structures permitted. Developers of new housing shall adhere to the minimum and maximum density standards for each zone. No minimum or maximum lot size is established, but instead the review will look at the overall density of development on the original lot.

2) The range of density in each zone shall comply with the minimum and maximum density specified in Section 17.16.060 above. The types of structures permitted in each zone is specified in Table 17.16.070.1 above. Multiple structures on one lot require site plan approval and are permitted provided adequate provision is made for access and off-street parking.

b. Commercial, Industrial, Downtown, and Public Zones. There is no minimum lot size requirement in the Commercial, Industrial, Downtown, or Public zones. Residential developments in the Downtown zones shall meet the minimum and maximum density specified in Section 17.16.060 above.

c. Lots created by partition or subdivision after the effective date of this section shall meet the minimum lot width requirements of Table 17.16.070.2.

Table 17.16.070.2 Minimum ~~Dimensional~~Lot Width Requirements ~~for Lots~~

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Lot Area (square feet)¹	8,000²	7,000³	6,000	7,000	0	5 acres	0								
<u>Lot Width for a single principle building (feet)</u>	<u>8060⁴</u>	<u>7050⁴</u>	<u>6040⁴</u>	40	0	0	0	0	0	0	0	0	0	0	0
<u>Lot Width for multiple principle buildings (feet)</u>	<u>80</u>	<u>70</u>	<u>60</u>	<u>60</u>	<u>0</u>	<u>0</u>									
Average Width (feet)	<u>8060</u>	<u>7050</u>	<u>6040</u>	40	0	0	0	0	0	0	0	0	0	0	0

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Notes to Table 17.16.070.2

- ~~¹ The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:

 - a. ~~Protect natural drainage ways.~~
 - b. ~~Provide drainage or utility easement.~~
 - c. ~~Protect future right of way.~~
 - d. ~~Protect unbuildable steep slope areas above 15 percent slope.~~
 - e. ~~Protect flood plain hazard or wetland areas.~~~~
- ~~² 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue~~
- ~~³ A tri-plex requires a minimum lot area of 10,500 square feet~~
- ⁴ 40 feet for lots with frontage on a cul-de-sac

3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.

- a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

Table 17.16.070.3 Dimensional Requirements for Structures

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Front Yard Setback (feet) ¹	20 ²	20 ²	20 ²	-- ⁸	0	0	0	0	-- ⁸	-- ⁸	-- ⁸	0	0	0	0
Side Yard Setback (feet)	5 ²	5 ²	5 ²	-- ⁸	0 ³	0 ³	0 ³	0 ⁴	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ⁴	0	0 ³
Rear Yard Setback (feet)	20 ¹⁰	15 ¹⁰	15	-- ⁸	0 ³	0 ³	0 ³	0 ⁴	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ³	0	0 ³
Building Height (feet) ⁵	35 ⁶	35 ⁶	-- ⁴	-- ⁸	60 ⁷	60 ⁷	60 ⁷	-- ⁴	-- ⁸	-- ⁸	-- ⁸	-- ⁴	-- ⁴	-- ⁴	60 ⁷

Notes to Table 17.16.070.3

- ¹ Front setbacks are also subject to the requirements of Section 17.20.080

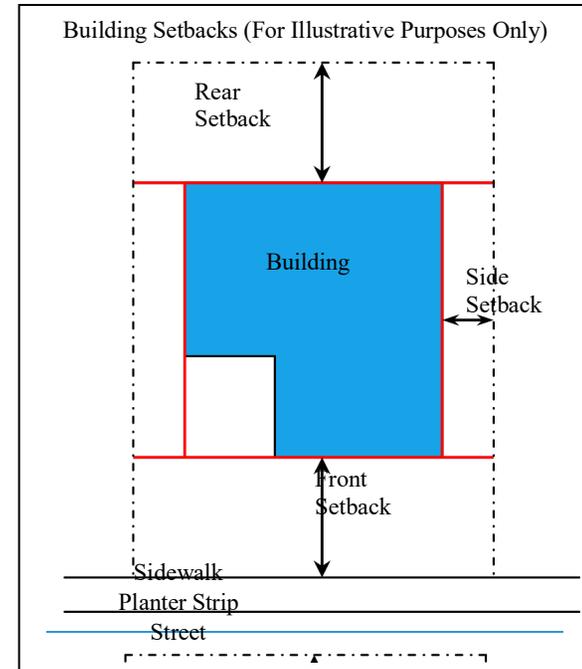
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- ² 25 feet to a garage entrance, except a garage on a back lot or flag lot.
- ³ 10 feet when adjacent to a residential district, or as may be established through a site plan review
- ⁴ As may be established through a site plan review
- ⁵ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.
- ⁶ Or 2 ½ stories
- ⁷ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.
- ⁸ See the requirements of Section 17.16.080 further details and requirements.

⁹ [Side setbacks for single-family detached dwellings on individual lots may be combined on one side and reduced to zero on the other side if a no-build easement is included on the abutting lot to maintain a separation between houses equivalent to twice the setback otherwise required. This provides for an actual useable side yard with access to the rear yard instead of two side yards that may be too narrow to be of use.](#)

¹⁰ [A garage \(attached or detached\) that is accessed from an alley shall have a minimum 5-foot rear yard setback.](#)

b. [When there is a more than one single family detached dwelling, duplex, triplex or multifamily dwelling on a lot, the minimum distance between structures shall be 10 feet for any structure of 2 ½ stories or less and 20 feet for any structures taller than 2 ½ stories.](#)



4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.
- a. Within the Low Density and Medium Density Residential Districts, all new single-family dwelling, subject to the following development standards:
- 1) Floor Area. ~~A conventional~~In the LD Zone a dwelling shall have a minimum floor area of 1,000 square feet. In the MD and DMD Zones, a dwelling shall have a minimum floor area of 900 square feet. In the HD Zone, a dwelling shall have a minimum floor area 750 square feet.
 - 2) (Repealed Ord. 898, August 20, 2007)
 - 3) Design Features. All new single family dwellings, including manufactured homes, shall contain the following design feature requirements:
 - a) Attached or detached garage with exterior materials that are the same exterior materials as the primary home. If the garage door faces a street, the front of the garage shall be setback from the front of the house a minimum of 4 feet.
 - b) Gutters and downspouts.
 - 4) In addition, new single family dwellings, including manufactured homes, shall contain at least 4 of the following design elements on the side(s) of the home which fronts on a street to provide architectural relief:
 - a) Dormers or gables.
 - b) Cupolas.
 - c) Bay or bow windows.
 - d) Exterior shutters.
 - e) Recessed entries.
 - f) Front porch of at least 100 square feet, which may extend into the required front yard.
 - g) Covered porch entries.
 - h) Pillars or posts in the front entry area.
 - i) Roof with pitch greater than 3 feet in height per each 12 feet in length.
 - j) Front-side exterior brickwork or masonry.
 - 5) BUILDING ORIENTATION. If the lot fronts a public street, the architectural front of the single family home shall face the street.
- b. In the Low Density and Medium Density Districts, manufactured homes on individual lots shall meet the following development standards:
- ~~1) Floor Area. The manufactured home shall have a minimum floor area of 1,000 square feet.~~
 - ~~2) 1) Width. The manufactured home must be at least 24 feet in width.~~
 - ~~3) 2) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of 3 feet in height for each 12 feet in length.~~

- ~~4~~3) Exterior Siding. The manufactured home must have horizontally applied wood siding, horizontally applied fiber-cement siding, or textured plywood siding with vertical grooves.
- ~~5~~4) Garage. The manufactured home must have a garage with exterior materials that are the same exterior materials as the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.
- ~~6~~5) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
- ~~7~~6) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.
- ~~8~~7) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
- ~~9~~8) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- ~~10~~9) _____ Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.
- ~~11~~10) _____ Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.

5. COTTAGE CLUSTER HOUSING.

- a. Purpose. The purpose of this section is to:
 - 1) Provide a housing type that responds to differing household sizes and ages (e.g. retirees, small families, single-person households), and offers opportunities for affordability.
 - 2) Provide opportunities for small, single-family dwellings in all residential zoning zones by creating development regulations that allow this type of use.
 - 3) Encourage creation of usable open space for residents of the development through flexibility in density and development standards.
- b. Applicability. Cottage Cluster Housing developments are allowed in all residential zones, subject to site plan review. A Cottage Cluster Housing development may either be a land division, with each cottage on an individual lot or maintain one lot with multiple cottages.
- c. Units in Each Cluster. Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages located in a cluster to encourage a sense of community among the residents.
- d. Common Open Space Requirements. Common open space is intended to be an amenity shared by all residents of the cottage cluster housing development.
 - 1) The common open space shall contain a minimum of 400 square feet per cottage.
 - 2) The common open space shall abut at least 50 percent of the cottages in a cottage housing development.
 - 3) Cottages shall abut on at least two sides of the common open space.

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- 4) Cottages shall be oriented around and have the main entry accessed from the common open space.
 - 5) All cottages shall be within 60 feet walking distance of the common open space.
 - 6) The common open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 20 feet.
 - 7) The common open space shall be constructed and landscaped prior to the occupancy of the first cottage constructed in the development.
- e. Private Open Space Requirements. Private open space adjacent to each cottage is intended for the exclusive use by the cottage occupant.
- 1) The development design shall provide a total of 400 square feet of private open space adjacent to each cottage. Front porches shall not be included in the private open space calculation.
 - 2) No more than 50 percent of the private opens space may be within an unenclosed covered patio.
- f. Site Design Standards
- 1) Paved pedestrian pathways must be included to provide for movement of residents from parking areas to homes and other amenities.
 - 2) Garages shall not exceed 450 square feet of floor area and no more than 18 feet in height at the peak. Only one garage is allowed per cottage.
 - 3) Accessory structures for common usage of the residents are allowed in the common open space area and shall not exceed more than 25% of the common open space area. Other accessory structures, except garages, are prohibited.
 - 4) Parking areas shall be identified on the site plan or preliminary subdivision plan. Parking may be located in a common tract if intended to be shared by the entire development in groups of not more than five adjoining parking spaces. Each group of parking spaces shall be separated by at least 8 feet of landscaping. Parking shall not be located in the exterior setback areas and must be screened from public streets and adjacent residential uses by a 10-foot wide landscape buffer. A minimum of off street parking spaces shall be provided per cottage, including spaces within a garage.
- g. Architectural Standards.
- 1) Cottages shall meet the minimum floor space standards of section 17.16.070.4.a.1) above but shall not be larger than 1,200 square feet of floor area, not including a garage.
 - 2) Cottages shall meet the design requirements of Section 17.16.070.4.a.4) above on each side of a cottage that faces a street or the common open space. The other sides of the cottage shall have same siding materials and color and trim as the sides of the cottage facing the street.
 - 3) Cottages located adjacent to a public street shall provide a covered entry feature (with a minimum dimension of six feet by six feet) facing the street.

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4) All cottages shall be designed within the same “family” of architectural styles. Example elements include:

- a) Similar building/roof form and pitch;
- b) Similar siding materials;
- c) Similar porch detailing; and/or
- d) Similar window trim.

~~12)~~h. Property Maintenance. Provisions for maintenance and upkeep of the property shall be filed with City. If the development is a subdivision, a set of conditions, covenants and restrictions (CC&Rs) for the development shall be submitted to the Planning Director for review and approval. The CC&Rs shall provide a mechanism to assure that the exterior appearance of the cottages is maintained and shall create a homeowner’s associate to provide for the maintenance of all common open space and facilities in the development. If the development is not a subdivision the applicant shall execute an agreement with City providing for maintenance of the exterior of the cottages and all common open spaces.

17.20.240 ACCESSORY DWELLING UNITS (Added Ord. 1010, Oct. 20, 2017)

1. **PURPOSE.** The purpose of these standards is to provide for opportunity for the construction or placement of a small dwelling unit that is accessory to and subordinate to the principal dwelling unit on a single family lot without requiring additional lot area for the lot.
2. **LOCATION PERMITTED.** One accessory dwelling unit may be located on a lot with a single family detached dwelling in the Low Density Residential or Medium Density Residential Zones.
3. **TYPES OF ACCESSORY DWELLING UNITS PERMITTED.** An accessory dwelling may be created by any of the following means:
 - a. Division of an existing single family detached dwelling to include an accessory dwelling unit.
 - b. Addition to an existing single family detached dwelling to create an accessory dwelling unit.
 - c. Creation of an accessory dwelling unit in an existing accessory building.
 - d. Construction or placement of an accessory building on the parcel detached from the principal dwelling unit.
4. **SETBACKS.** If attached to the principal dwelling unit, the accessory dwelling unit shall meet the minimum setback requirements of Section 17.16.070.3.a. Detached accessory dwelling units shall meet the setback and height restrictions of Section 17.20.040.
5. **GROSS FLOOR AREA.** The minimum gross floor area permitted for an accessory dwelling unit shall be 250 square feet. The maximum gross floor area permitted for an accessory dwelling unit shall be 800 square feet. Creation of an accessory dwelling unit shall not reduce the gross floor area of the principal dwelling unit below 1,000 square feet.
- ~~6. **OWNER OCCUPANCY REQUIRED.** Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the parcel.~~
- ~~7. **OFF-STREET PARKING.** In addition to the off-street parking required for the principal dwelling unit by Section 17.20.060.7.a, one off-street parking space shall be required for the accessory dwelling unit.~~
- ~~8.~~6. **CODE COMPLIANCE.** The accessory dwelling unit shall meet all applicable structural, electrical, plumbing, fire, and life safety codes.