

ORDINANCE NO. 336-23

AN ORDINANCE AMENDING THE DEPOE BAY ZONING ORDINANCE (ORDINANCE NO. 24, AS AMENDED), ENACTING PROVISIONS TO ESTABLISH TOWNHOUSE DEVELOPMENT REGULATIONS

WHEREAS, the Depoe Bay Planning Commission has reviewed the Zoning Ordinance and considered proposed revisions and additions thereto; and,

WHEREAS, the Depoe Bay Planning Commission held public hearings on November 9, 2022, January 11, 2023, and March 8, 2023, to obtain public comment on proposed revisions to the Zoning Ordinance; and,

WHEREAS, the Depoe Bay Planning Commission, after considering public testimony, approved certain changes to the Zoning Ordinance and has recommended those changes to the Depoe Bay City Council; and,

WHEREAS, the Depoe Bay City Council held public hearings on April 18, 2023 and May 2, 2023, and has concluded deliberations on the recommended changes to the Zoning Ordinance, including considering public testimony and staff recommendations; and,

WHEREAS, townhouses can provide opportunities for more affordable multi-family dwellings for property owners and renters in the City of Depoe Bay; and,

WHEREAS, there is a shortage of more affordable dwelling units in Lincoln County, particularly “workforce housing” for the employees of local businesses and their families.

NOW, THEREFORE, the City Council of the City of Depoe Bay does hereby ordain as follows:

Section 1: Section 152.003 Definitions of the Depoe Bay Zoning Ordinance is hereby amended to add the following definitions:

“Townhouse Development” means duplex or multi-family residential dwellings, attached to each other in which;

- No unit or portion thereof is located over another unit or portion thereof.
- Each unit is separated from any other unit by one or more common walls.
- Each unit has its own small footprint underlying townhouse lot.

“Townhouse lot” means the underlying real estate associated with a townhouse.

“Townhouse parent lot” means the legal lot or lots in existence prior to the townhouse development.

Section 2: Section 152.026 Residential Zone R-2 of the Depoe Bay Zoning Ordinance is hereby amended to add the following new subsections:

(A) Uses Permitted Outright

(12) Townhouse Development in full compliance with § 152.136(Q)

(B) Conditional Uses Permitted

(14) Townhouse Development not in full compliance with § 152.136(Q)

Section 3: Section 152.027 Residential Zone R-3 of the Depoe Bay Zoning Ordinance is hereby amended to add the following new subsections:

(A) Uses Permitted Outright

(15) Townhouse Development in full compliance with § 152.136(Q)

(B) Conditional Uses Permitted

(16) Townhouse Development not in full compliance with § 152.136(Q)

Section 4: Section 152.028 Residential Zone R-4 of the Depoe Bay Zoning Ordinance is hereby amended to add the following new subsections:

(A) Uses Permitted Outright

(15) Townhouse Development in full compliance with § 152.136(Q)

(B) Conditional Uses Permitted

(17) Townhouse Development not in full compliance with § 152.136(Q)

Section 5: Section 152.029 Residential Zone R-5 of the Depoe Bay Zoning Ordinance is hereby amended to add the following new subsections:

(A) Uses Permitted Outright

(14) Townhouse Development in full compliance with § 152.136(Q)

(B) Conditional Uses Permitted

(15) Townhouse Development not in full compliance with § 152.136(Q)

Section 6: Section 152.030 Retail Commercial Zone C-1 of the Depoe Bay Zoning Ordinance is hereby amended to add the following new subsections:

(A) Uses Permitted Outright

(32) Townhouse Development in full compliance with § 152.136(Q)

(B) Conditional Uses Permitted

(24) Townhouse Development not in full compliance with § 152.136(Q)

Section 7: Section 152.033 Light Industrial Zone L-I of the Depoe Bay Zoning Ordinance is hereby amended to add the following new subsections:

(A) Uses Permitted Outright

(39) Townhouse Development in full compliance with § 152.136(Q)

(B) Conditional Uses Permitted

(17) Townhouse Development not in full compliance with § 152.136(Q)

Section 8: Section 152.136 Standards Governing Conditional Uses of the Depoe Bay Zoning Ordinance is hereby amended to add the following new subsection:

(Q) Townhouse Developments. The purpose of townhouse developments is to encourage and promote creativity and innovation in site planning, design, and development through the application of flexible land development standards. Application of the townhouse development procedure is intended to:

- Allow for different ownership patterns by allowing townhouses developments in certain zones subject to specific development standards, to regulate the development and maintenance of townhouses developments, and to outline specific development criteria and design parameters to protect public health, safety, and welfare;
- Allow for and encourage development designs which provide suitable recognition of the physical, topographic, cultural, historical, and natural resource values and constraints present on a particular site;
- Respect the surrounding context and enhance community character;
- Permit greater flexibility in the siting of buildings and other physical improvements and in the mixing of housing types throughout the City in order to accomplish desirable design objectives; and to provide a greater diversity of housing available in the City;
- Ensure that development occurs in a manner consistent with the intent and purpose of the goals and policies of the Comprehensive Plan; and,
- Ensure for any tourist accommodations all responsibility for all management, including, but not limited to, collecting and forwarding to the city any transient occupancy tax (TOT), and transient lodging tax (TLT), responding to noise, trash, overcrowding, and parking complaints is the responsibility of the developer, a single management company or the homeowners' association (HOA).

Townhouse developments are subject to the supplementary standards and requirements identified below. Townhouse developments that fully comply with all these standards are permitted outright, but townhouse developments that deviate from any of these standards require approval of a conditional use permit.

(1) Overall residential density shall be as provided for in the applicable use zone or zones, i.e. the maximum number of townhouse dwelling units shall not exceed that allowed by the applicable zone. Density shall be computed based on the total gross land area of the subject property, excluding area devoted to commercial or other nonresidential uses.

(2) Yards, setbacks, lot area, lot width, and lot depth requirements may be reduced, adjusted or otherwise modified with the permission of the Planning Commission. The exception to this is that all perimeter yards of the townhouse development that abut a lot in a residential zone shall adhere to the minimum yard and setback requirements on the abutting side. Where a subdivision is proposed to create individual townhouse lots, the interior side setbacks between abutting townhouses in a single building may be reduced to zero.

(3) The minimum townhouse lot size in all zones shall be 700 sq. feet.

(4) The minimum size housing dwelling unit of all types in all zones shall be 1000 Sq. feet.

(5) The maximum number of consecutive townhouses that may be constructed as a single building is six (6). There shall be a minimum of 10 feet provided between buildings. The street-facing front and side façades of each townhouse unit shall incorporate at least three (3) exterior design elements from the following table in order to reduce the appearance of bulk and mass:

Select at least one (1) exterior design element from each column below:		
Column 1	Column 2	Column 3
(a) <u>A covered porch at least five feet deep.</u>	(e) <u>One or more gabled dormers.</u>	(i) <u>Decorative or functional window shutters.</u>
(b) <u>A balcony that is at least two feet deep and is accessible from an interior room.</u>	(f) <u>A change in exterior finish materials or colors between abutting units and/or floors.</u>	(j) <u>Pilasters or wide decorative molding surrounding doors.</u>
(c) <u>A bay window measuring at least two feet wide.</u>	(g) <u>A change in the rooflines of abutting units exceeding 3 feet.</u>	(k) <u>Window boxes.</u>
(d) <u>A section of the façade that is recessed by at least two feet in depth from the façade of an abutting unit, measuring at least six feet in length.</u>	(h) <u>Steeply pitched roof with gable ends.</u>	

(6) All electric and telephone facilities, fire alarm conduits, streetlight wiring, and other wiring, conduits, and similar facilities shall be placed underground. Satellite dishes, solar panels, and similar facilities that are only able to operate above ground are exempt from this provision.

(7) The City may require easements necessary for orderly extension of public utilities to future adjacent developments. All utilities crossing property shall be underground.

(8) Common areas, structures, and any other common entities reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon, and shall meet the requirements of Section 152.066 of the DBZO, as applicable. Said association shall be formed and continued for the purpose of governing and maintaining such common areas and structures. Minimum common areas shall be as follows:

- (a) Sidewalks
- (b) Common parking areas
- (c) Landscape areas along street frontages, and building setbacks
- (d) Roofs
- (e) Exterior walls, including windows, doors
- (f) Canopies on exterior along street and building frontage

(9) Townhouse developments shall provide sidewalks along street frontage. Sidewalks shall be of a design and location acceptable to the City for the purpose of pedestrian use and drainage control (minimum five (5) foot wide in residential zones and sized to meet the Section 152.031 Commercial Zone C-1 – Design Standards & Guidelines in the non-residential zones.

(10) Townhouse developments shall provide a minimum five (5) foot wide landscape area (excluding sidewalk) along all street frontages in all zones, except in the C-1 zone on arterials (Hwy. 101), where a minimum of eight (8) feet of landscaped grounds between the building and sidewalk is required. Townhouse developments shall be residentially landscaped and maintained similar to surrounding neighborhood development. Use of native vegetation shall be encouraged wherever possible.

(11) Parking shall conform to Section 152.058 Off-Street Parking and Off-Street Loading Requirements and Diagram A, except for the minimum number of parking spaces required for tourist accommodation dwelling units (see subsection (Q)(17) below). All parking areas (circulation, vehicle access, and parking spaces) shall be paved.

(12) Driveways, alleyways, and any other vehicle access shall be at the existing road grade level at the point the driveway meets the public right-of-way, and shall be consistent with the most recent Depoe Bay Transportation System Plan. In cases where the current developed road is not the full width of the public right-of-way, the vehicle

access shall be at the elevation the road grade level would be as if the road were expanded to the edge of the public right-of-way.

(13) Solid waste disposal: One or more collection stations shall be provided for the entire development; it must be enclosed to the line-of-sight. Weekly solid waste pick-up is required during all months of the year.

(14) Townhouse developments that include division of land are subject to applicable provisions of Sections 152.250 - 152.265, inclusive, of the DBZO except for the 25-foot of frontage on a public or private road or street requirement.

(15) Any manufactured dwelling, home housing unit, prefabricated dwelling, or modular development at a minimum must meet the requirements of Section 152.071 of the DBZO.

(16) Where this section conflicts with any other applicable requirement in the DBZO, the more stringent requirement shall prevail.

(17) Townhouse developments are not permitted to have tourist accommodations in residential zones unless approved per Section 152.042 Planned Development Zone.

(18) All townhouse development tourist accommodations are subject to the additional standards and requirements identified below:

- (a) All tourist accommodation dwelling units must be subject to a single association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon. Said association shall be formed and continued for the purpose of governing and maintaining as necessary, and shall meet the requirements of subsection (Q)(17) above. TLT and TOT ordinances provisions shall apply as appropriate.
- (b) Each property owner and the property management company are required to have a City of Depoe Bay business license.
- (c) Occupancy shall not exceed two (2) persons per bedroom plus one (1) additional person per dwelling.
- (d) The management entity shall only have one exterior on-site sign for all the tourist accommodations of the townhouse development. The sign shall identify a local contact person; state that the local contact person is available 24 hours each day, 7 days a week to handle rentals and complaints; and identify the local contact person's business license number. An interior sign with the same information shall be placed inside each tourist accommodation in a noticeable location, e.g. near the front door or kitchen.
- (e) Off-street parking space requirements are one (1) parking space plus one (1) parking space for each bedroom that shall be located immediately adjacent to the

unit. A minimum of three (3) parking spaces shall be provided per individual dwelling.

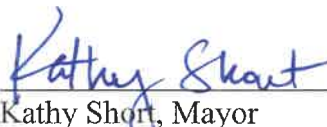
Section 9: The adoption of this ordinance is necessary to preserve the peace, health, safety and welfare of the citizens of the City of Depoe Bay. This ordinance shall be in full force and in effect thirty days upon its adoption by the City Council of the City of Depoe Bay.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon, on this 18th day of April, 2023.

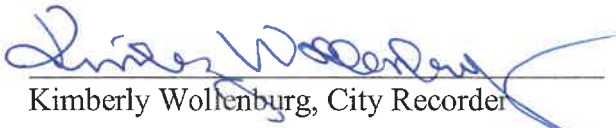
Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this 2nd day of May, 2023.

Approved by the Mayor of the City of Depoe Bay, Oregon, on this 2nd day of May, 2023.

CITY OF DEPOE BAY


Kathy Short, Mayor

ATTEST:


Kimberly Wollenburg, City Recorder