

**ORDINANCE NO. 323-20
CITY OF DEPOE BAY**

**AN ORDINANCE AMENDING ORDINANCE NO. 24 (ZONING ORDINANCE) ARTICLE 3 USE
ZONES SECTION 3.410 PLANNED DEVELOPMENT ZONE.**

WHEREAS, THE DEPOE BAY PLANNING COMMISSION last amended Section 3.410 November 11, 2016, by Ordinance 310; and

WHEREAS, the Depoe Bay Planning Commission held public hearings on November 13, 2019, to obtain public comment on proposed revisions to the zoning ordinance; and

WHEREAS, the Depoe Bay City Council held a public hearing on May 19, 2020, and has concluded deliberations on the recommended changes to the Zoning Code, including considering public testimony and staff recommendations.

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

1). Ordinance No. 24 Section 3.410 Planned Development Zone is hereby amended as follows:

Section 3.410.2 General Requirments :

- c. 1) The one exception to subsection c above is the possible approval of short-term rentals (tourist accommodations per DBZO Section 1.030 Definitions and including timeshares) to a subsection of the Planned Development. Tourist accommodations that may be permitted in residential zoned areas shall not exceed 15% of the total land area or 15% of the total number of approved residential dwelling units of the underlying R-1 through R-5 zones, whichever is less. A Planned Development with tourist accommodations in residential zones shall have a minimum of five (5) contiguous acres. Tourist accommodations in residential zones shall be limited to single-family and two-family dwellings with a maximum number of five bedrooms. The tourist accommodation area shall be contiguous, cohesive, compatible with the entire development (use, architectural, traffic, etc.), buffered (space, sight, and sound buffered) from all adjacent uses other than commercial uses, and buffered from adjacent properties that are outside of the PD. The individual parcels and units approved for tourist accommodation shall be identified during the Master Plan and Preliminary Plan approval processes. The developer/HOA shall maintain the designation of specific parcels approved for possible tourist accommodation use and those that are not approved, and be responsible for the correct use of each unit. Any change to designation shall require resubmittal and approval of the Master Plan and Preliminary Plan.

The following City Standards shall apply, and the management entity may establish additional standards. These following standards shall be part of the tourist accommodation area CC&Rs.

Section 3.410.2 General Requirements:

f. Standards That May Be Modified. The following standards may be modified in order to create developments that are superior to those that could be developed through the conventional development standards:

- 1) Development Standards. Minimum lot area, lot width, lot depth, building height, and similar dimensional requirements will not be used to dictate the development but will act as general guidelines that may be adjusted to provide for higher quality development.
- 2) Minimum Parking. Where the development provides common parking areas for adjacent uses, a reduced number of required parking spaces may be requested. The developer shall demonstrate to the Planning Commission's satisfaction that adequate parking and circulation shall be provided.
- 3) Streets. Private streets may be constructed in a planned development. These streets and associated right-of-way may be narrower than usual where on-street parking is restricted or prohibited and where access is limited to preapproved locations.
- 4) Block Length. Block lengths may be longer than six hundred (600) feet between street intersections where it is demonstrated that topographical conditions constrain development.

Section 3.410.5 Preliminary Plan:

e. Preliminary Plan approval by the Planning Commission shall be based on findings that criteria described in subsection 3.410.7 are satisfied. Preliminary Plan approval designates the subject property as a Planned Development (PD). However, the PD designation does not require an amendment to the zoning map.

WHEREAS, 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 on this 7th day of July, 2020.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay on this 21st day of July, 2020.

Approved by the Mayor of the City of Depoe Bay this 21st day of July, 2020.

Attest: Burton J. Foster
City Recorder

City of Depoe Bay

R. J. Foster
Mayor