

**ORDINANCE NO. 660**

**AN ORDINANCE AMENDING ORDINANCE 634, THE GOLD BEACH ZONING ORDINANCE PROVIDING PROVISIONS FOR ACCESSORY DWELLING UNITS AND "TINY HOUSES"**

**WHEREAS,** The Gold Beach City Council received several citizen requests to review the current zoning regulations to allow for "tiny houses" within the City; and

**WHEREAS,** The Council tasked the Planning Commission with reviewing the possibility of permitting "tiny houses" and

**WHEREAS,** The Planning Commission held several work sessions and presented the Council with their recommendations for provisions for "tiny houses" in addition to accessory dwelling units (ADUs); and

**WHEREAS,** The Planning Commission made the following specific findings related to "tiny houses" and ADUs which are incorporated into the proposed zoning code amendment:

"Tiny Houses" and Accessory Dwelling Units:

- a) Create new housing units while respecting the look, scale, and feel of the single-family and multi-family dwelling development patterns;
- b) Offer housing choices with less average space per person;
- c) Offer housing options to provide for changing family needs, smaller or larger households, multigenerational housing, or reduction in overall housing costs;
- d) Offer additional housing options for seniors, persons with disabilities, veterans, or financially disadvantaged individuals.

**Section 1.** The following sections of the Gold Beach Zoning Ordinance are hereby amended:

Section 1.030 Definitions

Residential Zone (1-R)

Section 2.020 Uses Permitted Outright

Section 2.040 Lot Size

Section 2.060 Height of Buildings

Residential Zone (2-R)

Section 2.120 Uses Permitted Outright

Section 2.130 Conditional Uses Permitted

Section 2.140 Lot Size

Section 2.160 Height of Buildings

Residential Zone (3-R)

Section 2.220 Uses Permitted Outright

**Ordinance 660**

*Amending Ordinance 634 Zoning Ordinance*

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Section 2.240 Lot Size  
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ARTICLE III Supplementary Provisions  
Section 3.040 Accessory Dwelling Unit (ADU) Standards  
Section 3.045 Manufactured Homes in Residential Zones

## AMENDMENTS TO GBZO TO ALLOW FOR ACCESSORY DWELLING UNITS (ADUs) & TINY HOUSES

Regular type is existing language to remain unchanged

***Bold Italic is new language to be added or amended***

~~Strikethrough~~ is language to be removed

### ADD to Section 1.030 DEFINITIONS

***ACCESSORY DWELLING UNIT (ADU) means a smaller secondary home on the same lot as a primary dwelling having a total square footage of 200'-600' square feet. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities. There are two types of ADUs:***

- 1) "Garden" or "Granny" cottages which are detached structures (e.g. conversion of existing detached garage or accessory structure).***
- 2) Accessory suites or "mother-in-law" apartments which are attached or part of the primary dwelling (e.g. converted living space, apartments over garages, basements or attics; additions to existing dwellings, or any combination thereof).***

***TINY HOUSE means a single-family dwelling of conventional or modular construction which is 200'-600' square feet which are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities.***

***Tiny Houses are subject to the following siting standards:***

- 1) Must be sited on a legally created parcel and are subject to the setback requirements of the underlying zone.***
- 2) Must be connected to an approved domestic water source and connected to city sewer service or, if outside a city served sewer area, a DEQ approved and installed septic system.***
- 3) If the structure is of modular construction the siting standards of Section 3.045 (2, 3, & 4) shall apply to the placement of the dwelling.***

## ARTICLE II. Use Zones

### Residential Zone (1-R)

#### Section 2.010. Purpose of Classification.

The 1-R zone is designated to be applied to residential areas where housing is typically single-family and duplex residences.

#### Section 2.020. Uses Permitted Outright.

In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling, ~~or a~~ manufactured home or TINY HOUSE which complies with the requirements set forth in Section 3.045.
2. Duplex
3. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
4. **Non-commercial** Farming where building-site **PARCEL** is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards listed in Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. Registered or certified family child care home pursuant to ORS 657A.440.
8. Accessory Dwelling Unit subject to the specific standards listed in Section 3.040

#### Section 2.030. Conditional Uses Permitted.

In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall or community building.

2. Public use facility or public utility, including but not limited to fire stations and parks.(1)
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development in compliance with Article V.
7. Wind generators (1).
8. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
9. Use of an existing dwelling unit as a vacation rental dwelling. (4) (and Section 6.050 & 6.051).

**Section 2.040.        Lot size.**

Except as provided in Sections 4.040 and 4.050 in a 1-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the state and county requirements for water supply and sewage disposal.
2. The minimum lot area shall be five thousand (5,000) square feet when both a public water and sewage system are available.
- 3. *Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***
4. The minimum average lot width shall be fifty (50) feet.

**Section 2.050.        Set-Back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 1-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.060. Height of Buildings.**

1. Except as provided in Section 4.020 in a 1-R zone, no building shall exceed twenty-five (25) feet in height.

**Residential Zone (2-R)**

**Section 2.110. Purpose of Classification.**

The 2-R zone is designed to be applied to residential areas and recognizes the trend toward homes of other than conventional construction.

**Section 2.120. Uses Permitted Outright.**

In a 2-R zone, the following uses and their accessory uses shall be permitted outright:

1. Single-family dwelling, ~~or~~ a manufactured or mobile home **or TINY HOUSE which complies with the requirements set forth in Section 3.045.**
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Duplex
4. Home Occupations meeting the general standards of Section 3.050.
5. A Residential Home as defined in ORS 197.660(2).
6. Registered or certified family child care home pursuant to ORS 657A.440.
7. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**



**Section 2.130. Conditional Uses Permitted.**

In a 2-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Mobile or manufactured home park subject to compliance with local building code requirements. (2)
2. Place of worship, school, grange hall, or community building.
3. Public use facility such as a fire station or park.
4. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
5. Utility facility, including substation or pumping station or private generator. (1)
6. Communications transmitter, receiver, antenna or tower. (1)
7. Planned Unit Development on a lot not less than one (1) acre, in compliance with Article V.
8. Wind generators (1).
9. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)
11. One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. (5)
12. Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.
13. Where the lot is one acre or more in size, **NON-COMMERCIAL** farming, including the keeping of livestock for noncommercial use.

**Section 2.140. Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 2-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by a public water or sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water and sewage system are available:
  - (a) For uses other than a mobile home park, the minimum lot area shall be five-thousand (5,000) square feet.
  - (b) For mobile or manufactured home park, the minimum shall be eight thousand (8,000) square feet or two thousand (2,000) square feet per home space whichever is greater.
3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***
4. The minimum average width shall be fifty (50) feet.

**Section 2.150. Set-back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 2-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.160. Height of Buildings.**

1. Except as provided in Section 4.020 in a 2-R zone, no building shall exceed twenty-five (25) feet in height.

## Residential Zone (3-R)

### Section 2.210. Purpose of Classification.

The 3-R zone is designed to be applied to residential areas where housing demands may justify a higher density.

### Section 2.220. Uses Permitted Outright.

In a 3-R zone, the following uses and their accessory uses are permitted outright:

1. Detached single-family dwelling, attached single-family dwellings (townhouses), duplex, or multi-family dwelling, or TINY HOUSE which complies with the requirements set forth in Section 3.045.
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Manufactured home which complies with the requirements set forth in section 3.045.
4. **NON-COMMERCIAL** Farming where building site **PARCEL** is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards of Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. A Residential Facility as defined in ORS 197.660(1)
8. Registered or certified family child care home pursuant to ORS 657A.440.
9. Accessory Dwelling Unit subject to the specific standards listed in Section 3.040

### Section 2.230. Conditional Uses Permitted.

In a 3-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the



specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall, or community building.
2. Public use facility such as a fire station or park.
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development on a lot not less than one (1) acre in compliance with Article V.
7. Hospital, sanitarium, retirement home, medical or dental clinic.
8. Wind generators (1).
9. Home occupations subject to the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling unit as a vacation rental dwelling. (4) (and Section 6.050 & 6.051)

**Section 2.240.        Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 3-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water supply and sewage disposal system are available the minimum lot area shall be four-thousand (4000) square feet.
3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning***

***Commission pursuant to the procedural standards of Article VI-Conditional Uses.***

4. The average lot width shall be a minimum of fifty (50) feet.

**Section 2.250. Set-Back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 3-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.260. Height of Buildings.**

1. Except as provided in Section 4.020 in a 3-R zone no building shall exceed thirty-five (35) feet in height.

**Commercial Zone (4-C)**

**Section 2.310. Purpose of Classification.**

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

**Section 2.320. Uses Permitted Outright.**

1. The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.
1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.

5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section
17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:

18. Home Occupations subject to the general standards of Section 3.050.
19. A Residential Home as defined in ORS 197.660(2).
20. A Residential Facility as defined in ORS 197.660(1)
21. Registered or certified family child care home pursuant to ORS 657A.440.

**Section 2.330. Conditional Uses Permitted.**

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

2. Single family dwelling or **TINY HOUSE which complies with the requirements set forth in Section 3.045.**
3. Multiple family dwelling.
4. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
5. Utility facility; including substation, pumping station or private generator. (1)
6. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
7. Mobile or portable office.
8. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
9. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

**Section 2.340. Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.350. Height of Buildings.

1. Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

Section 3.040 *Accessory Dwelling Unit (ADU) Standards*

*Purpose. Accessory Dwelling Units (ADU) shall be permitted to provide the following:*

- a) Create new housing units while respecting the look, scale, and feel of the single-family and multi-family dwelling development patterns;*
- b) Offer housing choices with less average space per person;*
- c) Offer housing options to provide for changing family needs, smaller or larger households, multigenerational housing, or reduction in overall housing costs;*
- d) Offer additional housing options for seniors, persons with disabilities, veterans, or financially disadvantaged individuals.*

*Specific ADU siting standards*

- 1) ADUs shall be accessory to an existing single-family, duplex, or multi-family dwelling; and*
- 2) ADUs shall meet the setback requirements of the underlying zone; and*
- 3) ADUs shall be 200'-600' square feet in size; and*
- 4) ADUs shall not be used for vacation rental dwellings or rentals of less than 30 day increments and may not be advertised as such.*

Section 3.045. Manufactured Homes in Residential Zones.

A manufactured home placed on an individual lot in a Residential zone shall comply with the following provisions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. **This standard does not apply to "tiny houses" or accessory dwelling units (ADUs). Manufactured structures commonly known as "Park Models" are permitted as "tiny houses" or ADUs provided they are sited according to standards 2, 3, and 4 below.**
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed by a perimeter wall of concrete or grouted and filled concrete blocks such that no more than 16 inches of the enclosing material is exposed above grade. Where the



building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 16 inch limitation shall not apply. However if these requirements conflict with the City of Gold Beach Flood Damage Prevention Ordinance (Ordinance 422) the requirements of Ordinance 422 shall apply.

3. The manufactured home shall have a pitched roof, with a nominal slope of three feet in height for each 12 feet in width.

4. The manufactured home shall have exterior siding and roofing which is comparable to the predominant materials used on surrounding dwellings.

*END OF PROPOSED AMENDMENTS*


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Section 2. All other sections and provisions of Ordinances 634 are unaltered and remain in effect.

Section 3. General Savings Provision and Continuity of Existing Provisions.

This code shall not affect the rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code. The provisions of this Code that are the same in substance as code or ordinance provisions that are in effect immediately before this Code becomes effective shall be construed as restatements and continuations of the prior provisions.

**Passed and Adopted** by the City Council of the City of Gold Beach, Oregon, State of Oregon, on this 12<sup>th</sup> day of December, 2016 and taking effect 30 days following on January 12, 2017.



Karl Popoff, Mayor

ATTEST:



Jodi Fritts, City Administrator

<b>FIRST READING</b>	<b>November 14, 2016</b>
<b>AYES</b>	<b>NAYS</b>
<b>4</b>	<b>0</b>

<b>FIRST READING</b>	<b>December 12, 2016</b>
<b>AYES</b>	<b>NAYS</b>
<b>4</b>	<b>0</b>