



Chair Bob Morrow
Commissioner John Brazil
Commissioner Karen Kennedy

Commissioner Becky Crockett
Commissioner Ted Freeman
Commissioner Diana St. Marie
Vice Chair Shannon Pagano

Planning Commission Meeting Agenda
Thursday, July 12, 2018 at 5:30 PM
County Annex, 94235 Moore Street/Blue Room, Gold Beach, Oregon

- 1. Call to Order / Roll Call**
- 2. Pledge of Allegiance**
- 3. Acceptance of the Agenda**
- 4. Correspondence**
- 5. Public Comment for items not on the Agenda**
- 6. Agenda**
 - A.** Planning Commission review of draft amendments to the Curry County Zoning Ordinance sections to include Accessory dwelling units as a permitted uses in Sections 3.090, Rural Community Residential (RCR), 3.100, Residential-One Zone (R-1), 3.110, Residential-Two Zone (R-2), 3.120 Residential-Three zone (R-3), and 3.130, Rural Commercial zone (RC).
 - B.** Planning Commission review of draft for new Zoning Ordinance Section 4.080 Standards for Accessory dwelling units and revisions to Section 7.040. Accessory Dwelling units (29) and Mixed Use Projects (30).
- 7. Commissioner Comments**
- 8. Director Comments**
- 9. Adjournment: no later than 8:30 PM**



Planning Commission Staff Report

Prepared by Carolyn Johnson, Community Development Director

Date: July 12, 2018

Agenda Item 6A: Planning Commission review of draft amendments to the Curry County Zoning Ordinance sections to include Accessory dwelling units as a permitted uses in Sections 3.090, Rural Community Residential (RCR), 3.100, Residential-One Zone (R-1), 3.110, Residential-Two Zone (R-2), 3.120 Residential-Three zone (R-3), and 3.130, Rural Commercial zone (RC).

As Accessory dwelling units are now permitted by state law in residential zones where single family homes are permitted as outright permitted uses, Accessory dwelling unit standards should not be located in the Section 7.040 specifying conditional use standards for various land uses. The criteria for Accessory dwelling units should be located in Zoning Ordinance Article 4, Supplementary Provisions. Applications for development of Accessory dwelling units would be measured against the standards identified in new Section 4.080.

In the Rural Community Residential (RCR), Residential-One Zone (R-1), Residential-Two Zone (R-2), Residential-Three zone (R-3), and Rural Commercial zone (RC) zoning districts single family dwellings are permitted as an outright use. (With some limitations in the RC zone) Modifications to each of these Zoning Ordinance sections has been drafted in this report in legislative format for Planning Commission review and comment.

~~Stricken language~~ New language

Section 3.090. Rural Community Residential (RCR).

Purpose of Classification: The RCR zone is applied to residential uses located within the county's four rural communities of Agness, Langlois, Ophir and Nesika Beach. It authorizes higher residential densities than in the RR zone in those portions of the rural communities where the density of residential use is no longer clearly rural. This zone is not intended to be applied outside the boundaries of the four rural communities defined by the Comprehensive Plan, and rezoning of lands within a rural community to a minimum lot size smaller than five acres shall only be allowed upon approval of a Goal 2 exception to Goal 14.

Table 3.090 identifies land uses in the RCR zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

TABLE 3.090 Use Table

For Rural Community Residential (RCR)

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	<u>Requirements</u>
<u>Residential Uses</u>	
<u>A single family dwelling or mobile home on each contiguous ownership or platted subdivision lot approved prior to August 12, 1986 or lot subsequently approved at the minimum lot size specified by this zone subject to approval of on-site sewage disposal and domestic water source by the agency regulating those facilities.</u>	<u>PO</u>
<u>Accessory Dwelling units (ADU) as specified in Section 4.080.</u>	<u>P</u>
<u>Home Occupation as specified in Section 7.040(7)</u>	<u>P</u>
<u>Cottage Industry as specified in Section 7.040(8)</u>	<u>C</u>
<u>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 as specified in Section 7.040(18)</u>	<u>C</u>
<u>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.</u>	<u>C</u>
<u>Other uses</u>	
<u>Farming or forestry use.</u>	<u>PO</u>
<u>Television, microwave, and radio communication facilities and transmission antenna towers.</u>	<u>C</u>
<u>Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale as specified in Section 7.040(5)</u>	<u>C</u>
<u>Animal Hospital or kennel</u>	<u>C</u>

TABLE 3.090 Use Table For Rural Community Residential (RCR)	
PO = Permitted Outright with Planning Clearance	
X = Use Not Permitted	
P = Permitted subject to compliance with Zoning standards and Planning Clearance	
C = Conditional Use Permit required NA = Not applicable	
	Requirements
<u>Planned unit development restricted to the uses and dwelling densities allowed in this zone.</u>	<u>C</u>
<u>Church, school, or community building for public or non-profit organizational use as specified in Section 7.040(3 and 4)</u>	<u>C</u>

Section 3.091. — Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

1. ~~A single family dwelling or mobile home on each contiguous ownership or platted subdivision lot approved prior to August 12, 1986 or lot subsequently approved at the minimum lot size specified by this zone subject to approval of on-site sewage disposal and domestic water source by the agency regulating those facilities.~~
2. ~~Farming or forestry use.~~

Section 3.092. Conditional Uses Subject to Administrative Approval by the Director.

The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

1. ~~Home occupation. (7)~~
2. ~~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.~~
3. ~~One manufactured dwelling 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. (17)~~
4. ~~Television, microwave, and radio communication facilities and transmission antenna towers.~~
5. ~~Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale. (5)~~
6. ~~Church, school, or community building for public or non-profit organizational use. (3,4)~~
7. ~~Animal hospital or kennel.~~
8. ~~Planned unit development restricted to the uses and dwelling densities allowed in this zone.~~

Section ~~3.091. 3.093.~~ Lot Size and Dwelling Density.

The RCR zone has minimum lot sizes of 1.0, 2.5, 5.0 and 10.0 acres as specified by policies in Comprehensive Plan and shown on the zoning maps. Changes in minimum lot size designation within this zone to a smaller minimum lot size shall only be approved by the Commission when found to be in compliance with the policies related to the urbanization element of the Curry County Comprehensive Plan and upon a determination that all proposed lots are adequate for proper sewage disposal and have a suitable source of water for residential use.

Section ~~3.092. 3.094.~~ Set-Backs. See Article IV.
Section ~~3.093. 3.095.~~ Height of Buildings. See Article IV.
Section ~~3.094. 3.096.~~ Off-Street Parking and Loading. See Article IV.

~~Stricken language~~ New language

Section 3.100. Residential-One Zone (R-1).

Purpose of Classification. The R-1 zone is designated to be applied to residential areas where housing is typically single family dwellings and manufactured dwellings that are sited in a manner similar to conventional dwellings. This is intended to be applied only within urban growth boundaries defined by the Comprehensive Plan.

Table 3.100 identifies land uses in the R-1 zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

**TABLE 3.100 Use Table
For Residential-One Zone (R-1)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Residential Uses</u>	
<u>Single family dwelling including a manufactured home in accordance with Section 4.070.</u>	<u>PO</u>
<u>Accessory Dwelling units (ADU) as specified in Section 4.080.</u>	<u>P</u>
<u>Home Occupation as specified in Section 7.040(7).</u>	<u>P</u>
<u>Cottage Industry as specified in Section 7.040(8).</u>	<u>C</u>
<u>Planned Unit Development restricted to the uses and dwelling density allowed by the zone and limited to single family dwellings that are separate discrete structures.</u>	<u>C</u>
<u>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 as specified in Section 7.040(18).</u>	<u>C</u>
<u>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.</u>	<u>C</u>
<u>Other uses</u>	
<u>Television, microwave, and radio communication facilities and transmission antenna towers.</u>	<u>C</u>
<u>Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale as specified in Section 7.040(5).</u>	<u>C</u>
<u>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.</u>	<u>C</u>

**TABLE 3.100 Use Table
For Residential-One Zone (R-1)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.</u>	<u>C</u>
<u>Church, school, or community building for public or non-profit organizational use as specified in Section 7.040(3).</u>	<u>C</u>

Section 3.101. — Uses Permitted Outright.

The following uses and their accessory uses are permitted:

1. ~~Single-family dwelling, including a manufactured dwelling in accordance with Section 4.070.~~

Section 3.102. — Conditional Uses Subject to Administrative Approval by the Director.

The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

1. ~~Home occupation. (7)~~
2. ~~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.~~
3. ~~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. (17)~~
4. ~~Television, microwave, and radio communication facilities and transmission antenna towers.~~
5. ~~Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale. (5)~~
6. ~~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.~~
7. ~~Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.~~
8. ~~Church, school, or community building for public or non-profit organizational use. (3,4)~~
9. ~~Planned Unit Development restricted to the uses and dwelling density allowed by the zone and limited to single family dwellings that are separate discrete structures.~~

Section ~~3.101. 3-103.~~ Lot Size and Dwelling Density.

Except as provided in Sections 5.030 and 5.040 in an R-1 zone:

1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
3. In areas which are served by both community water supply system and community sewage system, the minimum lot area may be 6,000 square feet.
4. The minimum lot width shall be sixty (60) feet.

Section ~~3.102. 3-104.~~ Set-Backs. See Article IV.

Section ~~3.103. 3-105.~~ Height of Buildings. See Article IV.

Section ~~3.104. 3-106.~~ Off-Street Parking and Loading. See Article IV.

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Section 3.110. Residential-Two Zone (R-2).

Purpose of Classification: The R-2 zone is designated to be applied to residential areas where a variety of types of single family dwellings are appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.

Table 3.110 identifies land uses in the R-2 zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

**TABLE 3.110 Use Table
For Residential-Two Zone (R-2)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Residential Uses</u>	
<u>Single family dwelling</u>	PO
<u>Mobile Home or Manufactured Home</u>	PO
<u>Accessory Dwelling units (ADU) specified in Section 4.080.</u>	P
<u>Home Occupation as specified in Section 7.040(7).</u>	P
<u>Cottage Industry as specified in Section 7.040(8).</u>	C
<u>Planned Unit Development restricted to the uses and dwelling density allowed by this zone and limited to single family dwellings that are separate discrete structures.</u>	C
<u>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 as specified in Section 7.040(18).</u>	C
<u>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.</u>	
<u>Other uses</u>	
<u>Television, microwave, and radio communication facilities and transmission antenna towers.</u>	C
<u>Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale as specified in Section 7.040(5).</u>	C
<u>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.</u>	C

**TABLE 3.110 Use Table
For Residential-Two Zone (R-2)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.</u>	C
<u>Mobile Home / Manufactured Home park as specified in Section 7.040(6a).</u>	C
<u>Church, school, or community building for public or non-profit organizational use as specified in Section 7.040(3 and 4).</u>	C

Section 3.111. — Uses Permitted Outright.

The following uses and their accessory uses shall be permitted outright:

1. Single family dwelling.
2. Mobile Home or Manufactured Home.

Section 3.112. — Conditional Uses Subject to Administrative Approval by the Director.

The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

1. Home occupation. (7)
2. 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.
3. 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. (17)
4. Television, microwave, and radio communication facilities and transmission antenna towers.
5. Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale. (5)
6. 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.
7. Keeping of farm animals for noncommercial use where the lot or parcel is one acre or more in size.

- ~~8. Mobile home park. (6)~~
- ~~9. Church, school, or community building for public or non-profit organizational use. (3,4)~~
- ~~10. Planned unit development restricted to the uses and dwelling density allowed by this zone and limited to single family dwellings that are separate discrete structures.~~

Section ~~3.111. 3.113.~~ Lot Size and Dwelling Density.

Except as provided in Sections 5.030 and 5.040 in an R-2 zone:

- 1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
- 2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
- 3. In areas which are served by both community water supply system and community sewage system, the minimum lot area may be 6,000 square feet.
- 4. For a mobile home park served by community water supply and community sewage systems the minimum shall be 6,000 square feet or 3,000 square feet per mobile home space, whichever is greater.
- 5. The minimum lot width shall be sixty (60) feet.

Section ~~3.112. 3.114.~~ Set-Backs. See Article IV.

Section ~~3.113. 3.115.~~ Height of Buildings. See Article IV.

Section ~~3.114. 3.116~~ Off-Street Parking and Loading. See Article IV.

Stricken language New language

Section 3.120. Residential-Three Zone (R-3).

Purpose of Classification. The R-3 zone is designated to be applied to residential areas where housing of a higher density is appropriate. This zone is intended to be applied only within urban growth boundaries identified by the Comprehensive Plan.

Table 3.120 identifies land uses permitted in the R-3 zone and the permitting requirement(s) for each use pursuant to Section 2.060 and Planning Director authorization of the proposed uses based upon relevant review standards.

<u>TABLE 3.120 Use Table</u> <u>For Residential-Three Zone (R-3)</u>	
<u>PO = Permitted Outright with Planning Clearance</u>	
<u>X = Use Not Permitted</u>	
<u>P = Permitted subject to compliance with Zoning standards and Planning Clearance</u>	
<u>C = Conditional Use Permit required NA = Not applicable</u>	
	Requirements

**TABLE 3.120 Use Table
For Residential-Three Zone (R-3)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Residential Uses</u>	
<u>Single family dwelling</u>	<u>PO</u>
<u>Multiple Family Dwelling</u>	<u>PO</u>
<u>Mobile Home or Manufactured Home</u>	<u>PO</u>
<u>Accessory Dwelling units (ADU) as specified in Section 4.080.</u>	<u>P</u>
<u>Home Occupation as specified in Section 7.040(7).</u>	<u>P</u>
<u>Cottage Industry as specified in Section 7.040(8).</u>	<u>C</u>
<u>Planned Unit Development restricted to the uses and dwelling density allowed by the zone.</u>	<u>C</u>
<u>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.</u>	<u>C</u>
<u>One manufactured 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. as specified in Section 7.040(18).</u>	<u>C</u>
<u>Other uses</u>	
<u>Television, microwave, and radio communication facilities and transmission antenna towers.</u>	<u>C</u>
<u>Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale as specified in Section 7.040(5).</u>	<u>C</u>
<u>Mobile /Manufactured Home park as specified in Section 7.040(6a).</u>	<u>C</u>

**TABLE 3.120 Use Table
For Residential-Three Zone (R-3)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Church, school, or community building for public or non-profit organizational use as specified in Section 7.040(3 and 4).</u>	<u>C</u>
<u>Hospital, sanitarium, medical, or dental clinic. (3)</u>	<u>C</u>

Section 3.121. — Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

1. Single-family dwelling.
2. Mobile Home or Manufactured Home.
3. Multiple-family dwelling.

Section 3.122. — Conditional Uses Subject to Administrative Approval by the Director.

The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.

1. Home occupation. (7)
2. 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.
3. One manufactured 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. (17)
4. Television, microwave, and radio communication facilities and transmission antenna towers.
5. Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale. (5)
6. Mobile Home Park (6)
7. Church, school or community building for public or non-profit organizational use. (3,4)
8. Planned unit development restricted to the uses and dwelling density allowed by the zone.
9. Hospital, sanitarium, medical, or dental clinic. (3)

Section ~~3.121. 3-123.~~ Lot Size and Dwelling Density.

Except as provided in Sections 5.030 and 5.040, in an R-3 zone:

1. Minimum lot size must be at least one acre or larger for proper sewage disposal in areas not served by a community water supply system or a community sewage system.
2. In areas served by community water supply system or by community sewage system but not by both, lots may have a minimum area of 12,000 square feet.
3. In areas which are served by both community water supply system and community sewage system the minimum lot area may be 6,000 square feet.
4. For a mobile home park served by community water supply and community sewage system the minimum shall be six thousand square feet or three thousand square feet per mobile home space, whichever is greater.
5. For a multiple-family dwelling served by community water supply and community sewer system, the minimum shall be 6,000 square feet or 2,000 square feet per dwelling unit, whichever is greater.
6. The minimum lot width shall be sixty (60) feet.

Section ~~3.122. 3-124.~~ Set-Backs. See Article IV.

Section ~~3.123. 3-125.~~ Height of Buildings. See Article IV.

Section ~~3.124. 3-126.~~ Off-Street Parking and Loading. See Article IV.

Section 3.130. Rural Commercial Zone (RC).

Purpose of Classification: The RC zoning classification is applied to all rural lands with existing commercial uses in built and committed exceptions to the Statewide Planning Goals as of the date of adoption of this ordinance. All future rezoning to this zoning designation shall either be limited to areas where a rural exception has already been taken or shall require an exception to Goals 3 or 4 whichever is applicable to the specific site. Land uses shall be limited to commercial; church, school; community building for public or non-profit organization; single-family residential; multiple-family residential; residential care; or mixed (commercial and residential) uses appropriate for the rural area in which it is located. Commercial uses in this zoning designation must be compatible with any adjacent agricultural or forestry uses and are limited to development which is suitable to individual water wells and septic systems or existing public utilities.

Table 3.130 identifies land uses permitted in the RC zone and the permitting requirement(s) for each use pursuant to Section 2.060 Planning Director authorization of the proposed uses based upon relevant review standards.

**TABLE 3.130 Use Table
For Rural Commercial Zone (RC)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Residential Uses</u>	
<u>Single family dwelling or mobile home on each contiguous ownership or platted subdivision lot approved prior to August 12, 1986 or lot subsequently approved at the minimum lot size specified by this zone.</u>	<u>PO</u>
<u>Single family, multiple family, residential care, or mixed (commercial and residential) use in existing non-residential structures/buildings constructed prior to February 13, 1989.</u>	
<u>Accessory Dwelling units (ADU) as specified in Section 4.080.</u>	<u>P</u>
<u>Home Occupation as specified in Section 7.040(7).</u>	<u>P</u>
<u>Cottage Industry as specified in Section 7.040(8).</u>	<u>C</u>
<u>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.</u>	<u>C</u>
<u>Recreational vehicle park/rural or campground as specified in Section 7.040(6).</u>	<u>C</u>
<u>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 as specified in 7.040(18).</u>	<u>C</u>
<u>Commercial uses</u>	
<u>Existing retail, professional or service establishments in non-residential structures may be continued and expanded including the expansion of existing structures to a total 2500 square feet.</u>	<u>PO</u>

**TABLE 3.130 Use Table
For Rural Commercial Zone (RC)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>New retail, professional, or service establishments or expansion of an existing structure to greater than 2,500 square feet which is appropriate for and limited to serving the requirements of the rural area in which it is located and which shall not have adverse impacts on any farm or forest uses on adjacent lands. The following are specific uses allowed:</u> <u>a. grocery or food store;</u> <u>b. general hardware, farm supply or feed store;</u> <u>c. appliance, small engine, pump sales or repair shop;</u> <u>d. art studio or gallery;</u> <u>e. barber or beauty shop;</u> <u>f. bakery;</u> <u>g. book or stationary shop;</u> <u>h. garden supply, greenhouse or nursery which includes retail sales;</u> <u>i. restaurant, cafe or tavern;</u> <u>j. professional office such as, real estate sales, legal office, accountant office, etc.;</u> <u>k. handicraft or gift store including the manufacture of such goods on the premises; and</u> <u>l. as determined by the Planning Director, other uses of a similar type and scale to those listed in a-k above.</u>	<u>C</u>
<u>Medical, dental or veterinary clinic in an existing non-residential structure</u>	<u>PO</u>
<u>Residential care facility in an existing non-residential structure</u>	<u>PO</u>
<u>New Residential care facility</u>	<u>C</u>
<u>Other</u>	
<u>Churches in existing non-residential structures</u>	<u>PO</u>
<u>Church, school or community building for public or non-profit organizational use.</u>	<u>C</u>
<u>Repair garage provided there is no outside storage of vehicles or of equipment being repaired.</u>	<u>C</u>

**TABLE 3.130 Use Table
For Rural Commercial Zone (RC)**

PO = Permitted Outright with Planning Clearance

X = Use Not Permitted

P = Permitted subject to compliance with Zoning standards and Planning Clearance

C = Conditional Use Permit required NA = Not applicable

	Requirements
<u>Automobile service stations</u>	<u>C</u>
<u>Mini-storage facility</u>	<u>C</u>
<u>Utilities</u>	
<u>Television, microwave, and radio communication facilities and transmission antenna towers.</u>	<u>C</u>
<u>Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale as specified in Section 7.040(5).</u>	<u>C</u>

Section 3.131. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

1. ~~Single family dwelling or mobile home on each contiguous ownership or platted subdivision lot approved prior to August 12, 1986 or lot subsequently approved at the minimum lot size specified by this zone.~~
2. ~~Existing retail, professional or service establishments may be continued and expanded including the expansion of existing structures to a total 2500 square feet.~~

Section 3.132. Conditional Uses Subject to Administrative Approval by the Director.

~~The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.~~

1. ~~New retail, professional, or service establishment, or expansion of an existing structure to greater than 2500 square feet in area which is appropriate for and limited to serving the requirements of the rural area in~~

~~which it is located and which shall not have adverse impacts on any farm or forest uses on adjacent lands. The following are specific uses allowed:~~

- ~~a. — grocery or food store;~~
 - ~~b. — general hardware, farm supply or feed store;~~
 - ~~c. — appliance, small engine, pump sales or repair shop;~~
 - ~~d. — art studio or gallery;~~
 - ~~e. — barber or beauty shop;~~
 - ~~f. — bakery;~~
 - ~~g. — book or stationary shop;~~
 - ~~h. — garden supply, greenhouse or nursery which includes retail sales;~~
 - ~~i. — restaurant, cafe or tavern;~~
 - ~~j. — professional office such as, real estate sales, legal office, accountant office, etc.;~~
 - ~~k. — handicraft or gift store including the manufacture of such goods on the premises; and~~
 - ~~l. — other uses of a similar type and scale to those listed in a-m above.~~
- ~~2. — Home occupation. (7)~~
 - ~~3. — 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.~~
 - ~~4. — One manufactured 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. (17)~~
 - ~~5. — Television, microwave, and radio communication facilities and transmission antenna towers.~~
 - ~~6. — Utility facilities necessary for public service, (e.g. fire stations, utility substations, parks for public use, etc.) except commercial facilities for the purpose of generating power for public use by sale. (5)~~
 - ~~7. — Approval of a division of land under Section 3.133.~~

- ~~8. Church, school or community building for public or non-profit organizational use.~~
- ~~9. Repair garage provided there is no outside storage of vehicles or of equipment being repaired.~~
- ~~10. Recreational vehicle park/rural or campground. (6)~~
- ~~11. Automobile service station.~~
- ~~12. Mini storage facility.~~
- ~~13. Medical, dental, or veterinary clinic.~~

Section 3.133. Lot Size and Dwelling Density.

This zoning designation is applied to all existing rural commercial uses and dwellings on the date of adoption of this ordinance. These preexisting commercial uses are confined to no more than the contiguous ownership in existence at the time of plan adoption. Rezoning of land to this designation or division of land to create new parcels or to site additional uses as provided in this zone shall meet the following criteria:

1. have the minimum impact on any adjacent resource lands;
2. be of the minimum size necessary to fulfill the need;
3. shall meet any lot size requirements determined for proper installation and operation of water supply and sewage disposal systems; and
4. no division of land shall be allowed that will create a vacant parcel that is less than five acres in size unless the county has approved a Goal 2 exception to Goal 14 and any other applicable Goals.

Section 3.134. Set-Backs. See Article IV.

Section 3.135. Height of Buildings. See Article IV.

Section 3.136. Off-Street Parking and Loading. See Article IV.

Planning Commission Staff Report

Prepared by Carolyn Johnson, Community Development Director



Date: July 12, 2018

Agenda Item 6B: Planning Commission review of draft for new Zoning Ordinance Section 4.080 Standards for Accessory dwelling units and revisions to Section 7.040. Accessory Dwelling units (29) and Mixed Use Projects (30).

As noted in the prior staff report, Accessory dwelling units are now permitted by state law in residential zones where single family homes are permitted as outright permitted uses, Accessory dwelling unit standards should not be located in the Section 7.040 specifying conditional use standards for various land uses.

As Accessory dwelling units are no longer a use in residential zones requiring a Conditional Use Permit, Zoning Ordinance Section 7.040(29) should be stricken and Section 7.040(30) identifying standards for Mixed use projects would be renumbered. Section 4.080 language is reflective of the current 7.040(29) language with some new supplemental verbiage and some 7.040(29) removed.

New Section 4.080 and revised Section 7.040 follow. Areas of change between the current 7.040(29) stricken language and new 4.080 added language are highlighted in yellow.

New Section 4.080

4.080 Accessory dwelling unit standards. An accessory dwelling unit is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the RCR, R-1 and R-2, R-3 zoning districts. Accessory dwelling units may be permitted under limited circumstances in the RC zone. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:

- A. A location either within, attached to, or detached from the primary detached single family dwelling unit. With a building permit, an accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.
- B. An Accessory dwelling unit must have its own outside entrance, kitchen and bathroom and sleeping area completely independent of the primary dwelling.
- C. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet in floor area but shall be no smaller than two hundred forty (240) square feet.
- D. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.

- E. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.
- F. A detached accessory dwelling unit shall be located a minimum of twenty (20) from the foundation of the primary dwelling.
- G. The minimum front, rear and side yard setbacks for the Accessory dwelling shall be that of the underlying land use district.
- H. One (1) off-street parking space shall be provided for the accessory dwelling unit;
- I. Department of Environmental Quality authorization for septic services shall be provided prior to County authorization for an Accessory dwelling unit.
- J. Evidence of potable water availability shall be provided prior to County authorization of an Accessory dwelling unit.
- K. The primary residence that meets the standards of 4.080(a-k) may be converted to an accessory dwelling upon completion of permitted, larger residence.
- L. A home occupation may be conducted from either primary or accessory dwelling unit.
- M. Either the primary or accessory dwelling unit shall be occupied by the property owner.

Revised Section 7.040

29. ~~Accessory dwelling.~~ ~~An accessory dwelling unit is a second dwelling unit that may be allowed in conjunction with a single family dwelling in the RR, RCR, R-1 and R-2 zones. Accessory dwelling units are subordinate in size, location, and appearance to the primary single family dwelling. One accessory dwelling unit on one residential lot may be permitted subject to the following standards:~~

~~a. A location either within, attached to, or detached from the primary detached single family dwelling unit. The accessory dwelling unit may be added to or over an attached or detached garage, or constructed as a detached single story structure or as a part of a new single family dwelling.~~

~~b. An Accessory dwelling unit must have its own outside entrance, kitchen and bathroom and sleeping area completely independent of the primary dwelling.~~

~~c. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet in floor area but shall be no smaller than two hundred forty (240) square feet.~~

~~d. An accessory dwelling unit may not be created through the conversion of a main level garage space for living space. This standard does not include the conversion of the attic space above a garage.~~

e. ~~An accessory dwelling unit that is attached to the primary dwelling shall share a common wall with firewall construction, roof and foundation.~~

f. ~~A detached accessory dwelling unit shall be located a minimum of twenty (20) from the foundation of the primary dwelling.~~

g. ~~The minimum front, rear and side yard setbacks for the Accessory dwelling shall be that of the underlying land use district.~~

h. ~~The entrance to the any accessory dwelling unit shall not face the front property line.~~

i. ~~The entrance to a detached accessory dwelling unit shall not face the front of the primary dwelling unit.~~

j. ~~The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features).~~

k. ~~One (1) off-street parking space shall be provided for the accessory dwelling unit;~~

l. ~~The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;~~

m. ~~A home occupation, pursuant to Section 7.040(7), may be conducted from either the primary or accessory dwelling unit.~~

n. ~~Either the primary or accessory dwelling unit shall be occupied by the property owner.~~

o. ~~The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage.~~

30. 29. Mixed Use projects. Mixed use projects may be permitted in the Rural Commercial (RC), Light Commercial (C-1), Heavy Commercial (C-2), Rural Industrial (R-1) and Industrial (I) zones. Mixed use projects may allow a mixture of complimentary land uses that include any two or more land uses specified in the referenced zones subject to the following standards:

a. Housing in any of the referenced zones may not exceed 40% of the total building area of the entire mixed use project and shall be located on the second level or to the rear of the commercial or industrial use.

b. All development standards for the underlying zone and any overlay zone shall be met of which the more conservative development standards shall be required.

c. A reduction in parking for a mixed use project may be considered but shall be no less than 75% of all parking of each use. No reduction for residential parking or hotel or motel parking shall be permitted.