



February 2020 PLANNING COMMISSION MEETING

Agenda Item No. 3

TXT-2020-01 Proposed Code Amendments

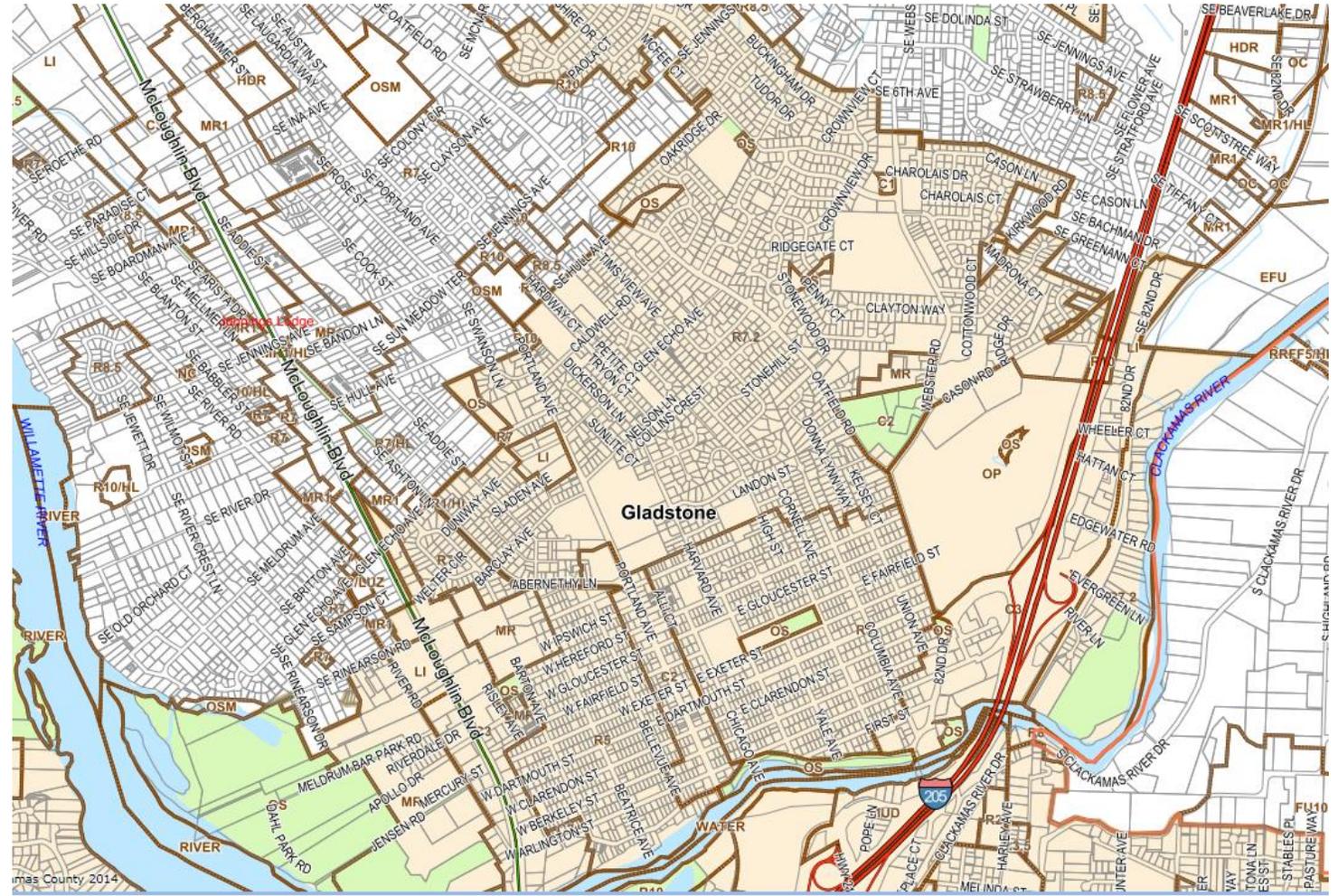
Proposed Amendments

SECTION 17.10. R-7.2 Single-Family Residential District and SECTION 17.12. R-5 Single-Family Residential District

- Remove additional parking space for ADUs
- Remove owner occupancy requirement for ADUs
- Add subsection for ADUs used as vacation rental

SECTION 17.78. Home Occupations,

- Vacation rentals included as a Type II Home Occupation



HB 2001 - Requiring ADUs to have additional parking and owner occupancy is not “reasonable”.

Gladstone Municipal Code - **Section 17.68** establishes the authorization for amendments and zone changes. **Section 17.94.060** specifies that the Planning Commission shall hold a public hearing and make a recommendation to the City Council

Gladstone Comprehensive Plan -

Housing Goal: *To meet the housing needs of all segments of the population through optimum utilization of housing resources for the construction, rehabilitation and maintenance of the diversity of housing types at appropriate locations, price ranges and rent levels, while preserving and enhancing the integrity and identity of existing residential neighborhoods.*

Statewide Planning Goals and Guidelines -

Goal 1: Citizen Involvement

Goal 10: Housing

Goal 12: Transportation

17.10 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT

17.10.030 Accessory uses allowed.

(5) Accessory dwelling units, subject to the following standards:

- (a) Only one accessory dwelling unit per lot shall be permitted. An accessory dwelling unit shall not be permitted on a lot occupied by two or more dwelling units;
- (b) The floor area of an accessory dwelling unit shall not exceed four hundred (400) square feet;
- (c) An accessory dwelling unit shall not contain more than one bedroom;
- ~~(d) Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the other unit is being rented or otherwise occupied. Prior to issuance of a building permit establishing an accessory dwelling unit, a deed restriction requiring owner-occupancy of one of the units shall be recorded in the Clackamas County Clerk's Office in a form prescribed by the City;~~

17.10 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT

17.10.030 Accessory uses allowed.

(5) Accessory dwelling units, subject to the following standards:

~~(e) One (1) off-street parking space shall be provided in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit;~~

(f) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing façade of the structure containing the primary dwelling unit unless this structure had additional entrances before the accessory dwelling unit was created and the number of entrances will not be increased;

(g) The exterior finish materials—including siding, trim and roofing—of an accessory dwelling unit shall be the same ~~or visually similar to~~ as those of the primary dwelling unit with respect to type, size, placement, and color;

17.10 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT

17.10.030 Accessory uses allowed.

(5) Accessory dwelling units, subject to the following standards:

(h) The roof pitch of an accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling unit;

(i) The windows of an accessory dwelling unit shall be the same ~~or visually similar to~~ as those of the primary dwelling unit with respect to type, size, placement, and color;

(j) The eaves on an accessory dwelling unit shall project from the structure walls the same distance as the eaves on the primary dwelling unit;

(k) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section 17.10.050.

17.10 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT

(I) An accessory dwelling unit used as a vacation rental shall provide:

OR

(I) An accessory dwelling unit used as a vacation rental shall be subject to GMC Chapter 17.78 (home occupations) and provide:

(1) One off-street parking space in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit; and

(2) A deed restriction requiring owner-occupancy of one of the units recorded in the Clackamas County Clerk's Office in a form prescribed by the City. Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the accessory dwelling unit is being used as a vacation rental.

17.12 R-5—SINGLE-FAMILY RESIDENTIAL DISTRICT

17.12.030 Accessory uses allowed.

(5) Accessory dwelling units, subject to the following standards:

- (a) Only one accessory dwelling unit per lot shall be permitted. An accessory dwelling unit shall not be permitted on a lot occupied by two or more dwelling units;
- (b) The floor area of an accessory dwelling unit shall not exceed four hundred (400) square feet;
- (c) An accessory dwelling unit shall not contain more than one bedroom;
- ~~(d) Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the other unit is being rented or otherwise occupied. Prior to issuance of a building permit establishing an accessory dwelling unit, a deed restriction requiring owner-occupancy of one of the units shall be recorded in the Clackamas County Clerk's Office in a form prescribed by the City;~~

17.12 R-5—SINGLE-FAMILY RESIDENTIAL DISTRICT

17.12.030 Accessory uses allowed.

(5) Accessory dwelling units, subject to the following standards:

~~(e) One (1) off-street parking space shall be provided in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit;~~

(f) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing façade of the structure containing the primary dwelling unit unless this structure had additional entrances before the accessory dwelling unit was created and the number of entrances will not be increased;

(g) The exterior finish materials—including siding, trim and roofing—of an accessory dwelling unit shall be the same ~~or visually similar to~~ as those of the primary dwelling unit with respect to type, size, placement, and color;

17.12 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT

17.12.030 Accessory uses allowed.

(5) Accessory dwelling units, subject to the following standards:

(h) The roof pitch of an accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling unit;

(i) The windows of an accessory dwelling unit shall be the same ~~or visually similar to~~ as those of the primary dwelling unit with respect to type, size, placement, and color;

(j) The eaves on an accessory dwelling unit shall project from the structure walls the same distance as the eaves on the primary dwelling unit;

(k) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section 17.10.050.

17.12 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT

(I) An accessory dwelling unit used as a vacation rental shall provide:

OR

(I) An accessory dwelling unit used as a vacation rental shall be subject to GMC Chapter 17.78 (home occupations) and provide:

(1) One off-street parking space in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit; and

(2) A deed restriction requiring owner-occupancy of one of the units recorded in the Clackamas County Clerk's Office in a form prescribed by the City. Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the accessory dwelling unit is being used as a vacation rental.

17.78 HOME OCCUPATIONS

17.78.010 Uses allowed as home occupations.

In all zones, home occupations in the same lot accessory to the principal residential uses shall be permitted only in the following categories:

- (1) Office for professional, personal or business services.
- (2) Studio for arts, handicrafts or tutoring.
- (3) Shop for limited or customer production or minor repair service.
- (4) Headquarters for a craftsman or salesman.
- (5) Vacation rentals (as defined in ORS 90.100).

17.78 HOME OCCUPATIONS

17.78.016 Type I and type II home occupations.

- (1) Except for a sign pursuant to 17.78.020 (9), a Type I home occupation may generate only incidental traffic, subject to the requirements of this chapter, and otherwise shall exhibit no evidence that a business is being conducted from the premises. Type I home occupations may generate no more than six (6) one-way trips per day, which shall be incidental to operation of the home occupation.
- (2) Type II home occupations may generate limited traffic from customers, clients and students, subject to the requirements of this chapter. Type II home occupations may generate no more than ten (10) one-way client and commercial trips per day, except home occupations relating to instructional services, where no more than twenty (20) one-way student trips may be permitted.

17.78 HOME OCCUPATIONS

17.78.020 Limitations on home occupations.

Any such home occupation shall comply with the following limitations:

(5) Any home occupation which causes abnormal automobile or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited. ~~Type I home occupations may generate no more than six (6) one-way trips per day, which shall be incidental to operation of the home occupation. Type II home occupations may generate no more than ten (10) one-way client and commercial trips per day, except home occupations relating to instructional services, where no more than twenty (20) one-way student trips may be permitted. As used in this chapter, "instructional services" are characterized by one or more persons leading another person or group of persons in a given course or subject of study. No more than four (4) student vehicles may be parked on the property and/or in the street right of way at any one time.~~ No commercial motor vehicle that is subject to the state vehicle mile tax, such as long-haul trailers, as defined in ORS 801.208, may be allowed as part of a home occupation. In conformance with GMC 10.04.230 (1)(f), this standard does not preclude the parking of a truck (tractor) portion of such a commercial vehicle on private property.

17.78 HOME OCCUPATIONS

17.78.020 Limitations on home occupations.

Any such home occupation shall comply with the following limitations:

(11) Tutoring, instructional, counseling or personal services which cannot be conducted except by personal contact may be permitted as a Type II home occupation and shall be by appointment only between the hours of 7:00 a.m. and 10:00 p.m. and shall not be oriented toward or attract passers by. As used in this chapter, “instructional services” are characterized by one or more persons leading another person or group of persons in a given course or subject of study. No more than four (4) student vehicles may be parked on the property and/or in the street right of way at any one time.

17.78 HOME OCCUPATIONS

17.78.020 Limitations on home occupations.

Any such home occupation shall comply with the following limitations:

(14) Vacation rentals, including but not limited to the rental of accessory dwelling units, may be permitted as a Type II home occupation and are subject to the requirements of the underlying zoning district.

~~(14)~~(15) Except as set forth in subsection (11) and (12) of this section, customer and client contact shall be primarily by telephone or mail and not on the premises.

~~(15)~~(16) No more than twenty-five percent of the floor area as defined in GMC Section 17.06.195 (floor area) may be used for the operation of a home occupation including storage of equipment, materials, and completed products. Except for vacation rentals, where an entire accessory dwelling unit may be utilized for the home occupation.

RECOMMENDATIONS

Planning staff are recommending **APPROVAL** of the proposed text changes to the Gladstone Municipal Code Chapters 17.10, 17.12, and consideration and approval of changes to 17.78 to support the processes to permit vacation rentals.