

Section 9.04.020 Purpose.

The purpose of this title is to promote the public health, safety and general welfare and to assist in carrying out comprehensive plans for the City including all future lands and subdivisions annexed into the incorporated City.

“The purpose of this title is to establish a set of zoning, subdivision, and land development regulations for the City designed to protect and promote the public health, safety, and general welfare, advance the position of Yachats as a small, coastal community, and achieve the following objectives:

1. Fulfill the goals of the City of Yachats Comprehensive Land Use Plan.
2. Ensure that land uses complement the natural beauty of Yachats’ location and its environment, which has led to Yachats’ long-standing reputation as “The Gem of the Oregon Coast.”
3. Guide the establishment of public, commercial, professional and residential uses, including their siting, design materials, and landscaping, within reasonable variation, so that they shall enhance rather than detract from the quiet coastal ambiance of the City.
4. Ensure that sufficient vacant and redevelopable buildable land shall be zoned for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the Yachats community.
5. Ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.
6. Protect residential, commercial, and public areas from the intrusion of incompatible uses, and ensureinsure preservation of adequate space for commercial, professional and other activities necessary for a healthy economy.
7. Promote safe and efficient movement of people and goods without sacrifice to the quality of Yachats’ environment, and to provide for adequate off-street parking.
8. Encourage new development to use energy-efficient and sustainable design, siting, and construction materials and methods.
9. Protect and enhance the City’s natural, historic, and scenic resources, including the Yachats River estuary, City shorelands, and City water supply.

10. Regulate activities within geologic hazard areas of the City and limit development that may affect the integrity of steep slopes or impact fire hazards.”

Section 9.04.030 Definitions.

As used in this title:

~~“Apartment” means a dwelling unit as defined in this section.~~

“Bed and Breakfast Facility” means any single-family dwelling containing rooms for rent in accordance with Section 9.72.050 of YMC, excluding any dwelling that meets the definition of Dwelling, Vacation Rental.

“Building Code” means building, fire, safety, and other codes adopted by state, county and municipal agencies.

“Building Coverage” means the portion of the lot area that is covered by buildings. The area of the buildings shall be measured at their exterior perimeter. Buildings include dwellings, accessory structures, garages and carports.

“Clear Vision Area” means a triangle defined on two (2) sides by a minimum distance along vehicle pathways from the intersection of the curb line or, where no curb exists, the edge of the street, alley, or driveway surface edge, and on the third side by the line across the corner of the non-intersecting ends of the two (2) other sides. See the regulations of Section 9.64.010 (A) of this Title.

~~“Deck/porch” means an outside walking area, the floor of which is elevated more than eight inches from grade.~~

“Deck” means an unenclosed structure or platform, constructed outdoors, that may either be independent or attached to a building and is intended for the purpose of outdoor dining, lounging, and other similar accessory use.

“Dwelling” means a building or portion thereof which is occupied in whole or in part as a residence ~~or sleeping place~~, either permanently or temporarily, by one or more families, but excluding hotels, motels, and ~~tourist courts~~ resorts, with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.

~~“Dwelling, Accessory” means an accessory structure specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property.~~

“Dwelling, Vacation Rental” means a single-family dwelling, duplex, or multi-family dwelling which is rented, or held out as available for rent, either in full or in part, for periods of less than thirty (30) days, such as by the day or week, excluding any facility that meets the definition of “bed and breakfast facility.” The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling ~~but, however: a) each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC,; and b) no more than one (1) individual unit may be located in a single dwelling in the R 1 District; no more than two (2) individual units may be located in the R-2 District; and no more than five (5) individual units may be located in the R 3, R 4, and C 1 Districts. A dwelling that is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation or reputation are some of, but not limited to, the ways of identifying a vacation rental.~~

“Existing grade” means the existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of a site.

“Finished grade” means the plane on which the footprint of the structure meets the ground.

“Finished grade” means the final grade of the site after all clearing and grading has been completed that conforms to an approved clearing and grading plan.

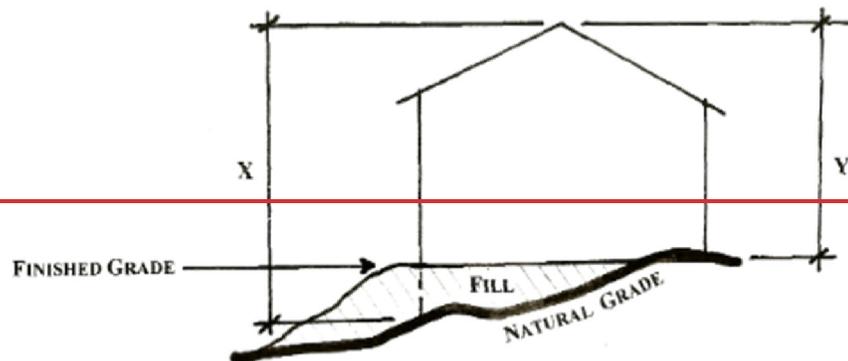
“Height of building”

means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade. To determine building height, calculate the average building height for each side: Add the shortest building height and the tallest building height, then divide the two building heights by two. Add together the average height for each side and divide by the number of sides.

TO DETERMINE BUILDING HEIGHT

“Height of building” means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade.

Step 1. Calculate the average height for each side of structure.



X = tallest building height

Y = shortest building height

$(X + Y) / 2 = \text{Average height (H)}$

Step 2. Add together the height for each side and divide by the number of sides.

$$\frac{H_1 + H_2 + H_3 + H_4}{4} = \text{average building height}$$

“Height of Building” means the maximum vertical height of a building or structure measured from average finished grade to the highest point of a building or structure. (See Section 9.52.171 of the YMC for determining the height of a building.)

~~“Hotel” means any building containing guest rooms which are rented or hired out to be occupied for sleeping purposes for guests, excluding any facility which meets the definition of “bed and breakfast facility.”~~

“Hotel” means any building used for lodging other than a motel or resort, containing six (6) or more guest rooms available for rent on a short-term [thirty (30) or fewer days], ~~or long term (extended stay),~~ basis. The building has a lobby and check-in area, and is designed with interior corridors for accessing rooms without being outside. Guest rooms may include kitchen facilities, and guest amenities may include pool, gym, lounge, and accessory commercial uses such as restaurants, bars, gift shop, or day spa.

~~“Hostel” means transient means budget priced transient~~ lodging where a traveler typically rents a bed in a shared room with communal bathrooms and access to shared kitchen facilities.

“Impervious Surface” means a surface that has been compacted or covered with a layer of material so that it prevents or is resistant to the infiltration of water, including, but not limited to, structures such as roofs, buildings, storage sheds; other solid, paved, or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, porches, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials.

“Impervious Surface Ratio” means a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within a site by the gross lot area.

“Inn” - **Synonymous with** See Hotel or Motel.

“Lot line, Street Side” means the side lot line at abutting street. [Katherine I have a note that you were going to reference the sections of the YMC that applied to this definition](#)

~~“Motel” means a series of sleeping units, each having a separate entrance, composed of one or more bedrooms and bathroom, excluding any facility which meets the definition of “bed and breakfast facility.”~~

“Motel” means any building or group of buildings used for transient lodging other than a hotel or resort, containing six (6) or more guest rooms or units **available** for rent on a short-term [thirty (30) or fewer days] basis. The building(s) is designed so that ingress/egress to guest rooms is from outside the building and a short distance from parked vehicles. Guest rooms may include kitchen facilities, and guest amenities may include a pool, gym, limited food and beverage services, lounge, and accessory commercial uses such as a gift shop.

“Parking Space, Accessible” means an off-street parking space for handicap access to or from a vehicle, designed in accordance with any local, state or federal laws, including the federal Americans with Disabilities Act (ADA).

“Parking Space, Off-street” ~~“Off-street parking space”~~ means a parking space located outside of public right-of-way ~~with minimum dimensions of 18 feet long and nine feet wide, the numbers, and dimensions and construction materials~~ of which are as required by Chapter 9.48 of YMC. ~~Off-street parking spaces shall have all-weather surfaces such as gravel, pavement, tile, brick or concrete suitable for parking a vehicle.~~

~~Required off-street parking spaces shall not be located in a required yard that abuts a street.~~

“Patio” means a paved outdoor area adjoining a structure.

~~“Porch” means an outside walking area, the floor of which is elevated more than eight inches from the ground.~~

“Porch” means a covered area adjoining an entrance to a building and usually having a separate roof.

~~“Resort” means a tourist-oriented establishment, having recreational, eating and sleeping accommodations located on the premises.~~

“Resort” means any building or group of buildings used for transient lodging other than a hotel, motel, or inn, containing six (6) or more guest rooms or units available for rent on a short-term [thirty (30) or fewer days] basis, and designed primarily to accommodate vacationers, conferences, or events such as weddings. The building(s) have a lobby and a check-in area, and often occupy sufficient land area for multiple lodging options, conference facilities, guest amenities (ex. pool, tennis, gym), vehicle (including RV) parking, and accessory commercial uses, such as restaurants, bars, gift shop, day spa, and the like.

“Site Plan” means a two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, of a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.

“Transient Lodging” means any facility, structure, or portion thereof occupied or intended or designed for occupancy by a guest or guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes for a period of thirty (30) or fewer days.

~~“Yard” means a space other than a court on the same lot with a building open from the ground.~~

“Yard” means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

~~Yard, Front. “Front yard” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.~~

“Yard, Front” means an area lying between the side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.

~~Yard, Rear. “Rear yard” means a yard extending across the full width of the lot between the most rear main building and the rear lot line; but for determining the depth of the required rear yard it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the main building.~~

“Yard, Rear” means an area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.

~~Yard, Side. “Side yard” means an area adjacent to any side lot line the depth of which is the specified horizontal distance measured at right angles to the side lot line and being parallel with the side lot line.~~

“Yard, Street Side” means a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.020 Permitted Uses**, by modifying paragraph K. as follows:

“K. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.030 Conditional Uses**:

by modifying paragraph P. as follows:

“P. Motel, hotel, inn, or resort on less than 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

and by adding a new paragraph Q. as follows:

“Q. Hostels.”

Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.040 Standards**:

by deleting paragraph A.4 in its entirety and re-lettering the remaining provisions;

by modifying paragraph G. Vehicle Access, by striking the words “...or to a motel.” from the first sentence.

Amending **Chapter 9.28, C-1 Retail Commercial Zone, Section 9.28.020 Permitted Uses**, by modifying paragraph N. as follows:

“N. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

Amending **Chapter 9.28, C-1 Retail Commercial Zone, Section 9.28.030 Conditional Uses**:

by modifying paragraph T. as follows:

“T. Motel, hotel, inn, or resort on less than 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”;

by modifying paragraph V.1, for formula businesses, as follows:

“1. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

and by adding a new paragraph U., and re-lettering thereafter, as follows:

“U. Motel, hotel, inn, or resort on a minimum of 1.0 acre, without direct access provided from U.S. Highway 101, and with or without accessory commercial uses.”

and by adding a new paragraph W. as follows:

“W. Hostels.”

Amending Chapter 9.52. Supplementary Use and Design Standards, by adding a new Section 9.52.190 Standards for Hotels, Motels, Inns, and Resorts:

“A. Standards for motels, hotels, inns, or resorts:

1. Ingress or egress to a motel, hotel, inn, or resort shall not be allowed from less than a thirty-five (35) foot public street right-of-way and a twenty-five (25) foot all weather travel surface, accessible to emergency vehicles;
2. Motels, hotels, inns, and resorts shall not have vehicle access to or from a cul-de-sac or dead end street;
3. Parking areas associated with motels, hotels, inns, and resorts which are adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height, except where vision clearance is required;
4. Motels, hotels, inns, and resorts shall be designed to provide safe and direct access by emergency vehicles, as determined by the Yachats Rural Fire Protection District;
5. Except for security lighting for pathways, parking areas, and building doors, outdoor lighting fixtures for motels, hotels, inns, and resorts shall be extinguished every day between the hours of 11:00 p.m. to 5:00 a.m..”

Amending Chapter 9.72. Conditional Uses, Section 9.72.010 Authorization to grant or deny conditional use permits, by adding a new paragraph B as follows, and re-lettering the paragraphs that follow:

- B. Prior to taking action on a conditional use permit application, the Planning Commission shall consider whether the proposed use complies with the following general standards and criteria:
1. The proposed use conforms with the Yachats Comprehensive Plan.

2. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
3. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
4. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
5. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
6. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
7. The proposal complies with all applicable provisions of the Yachats Municipal Code, or where the applicant has identified where the proposal does not comply, the applicant has obtained a Variance for such in accordance with Chapter 9.80 of this Code.
8. Activities and developments within special purpose districts must comply with the regulations described in Section 9.52.050 (Geologic Hazard), Chapter 9.36 (Estuary Natural), and Section 9.54 (Flood Hazard), as applicable.

Amending Chapter 9.72. Conditional Use, Section 9.72.020, Procedure for Taking Action on a Conditional Use Application, to read as follows:

- A. "A property owner, contract purchaser, etc. may initiate a request for a Conditional Use by filing an application with the City Recorder.
- B. The application shall consist of a completed Conditional Use application form signed by the property owner and contract purchaser or agent, if applicable, and a Basic or Detailed Site Plan, as specified below.
- C. Application for approval of the following uses permitted by Conditional Use shall include the submittal of a Basic Site Plan:
 1. Home Occupation
 2. Temporary Real Estate Office
 3. Bed and Breakfast Facility
 4. Residential Facility
 5. Private Boat Dock
- D. Basic Site Plan – Two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, showing the following information:
 1. Written scale, graphic scale, and north arrow.
 2. Property boundaries with dimensions of each boundary.
 3. Building setbacks to property lines.
 4. Required off-street parking spaces and space dimensions.
 5. Required yards, including streetside setback, if applicable.

6. Driveway and point(s) of ingress and egress.
 7. Existing fences, walls, and hedges at property boundaries.
 8. All zoning tabulations.
- E. Application for approval of all other uses permitted by Conditional Use shall include submittal of a Detailed Site Plan.
- F. Detailed Site Plan – Two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, showing the following information:
1. Date drafted, space(s) for revision date, with north arrow, drawn to scale of one inch equals twenty (1"=20') feet, unless otherwise approved by the City Planner.
 2. Written and graphic scale, if other than 1"=20'.
 3. Total gross and net land areas of the entire site. ("Net" is minus the square footage of any land proposed for dedication to the public, not including easements.)
 4. Label and show the lengths of all existing property lines of the development site.
 5. Label and show the zoning designations, property boundaries, land uses, and approximate building locations of all adjacent properties.
 6. Label and show the locations, widths, and names of all existing or platted adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way, and other important features such as City boundary lines.
 7. Either as part of the detailed site plan, or on a separate sheet drawn to the same scale as the site plan, existing site features shall be shown, including ground topography (contours), wooded or naturally vegetated areas, trees of 8 inches diameter of breast height (DBH) or greater, floodplains, shorelines, wetlands, riparian corridors, geologic hazard zone, and any existing buildings, roads, trails, fences, or other physical improvements, and all existing easements.
 8. Label and show all existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed swales, ditches, or other drainage ways.
 9. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines. Clearly indicate and label existing and proposed building elements, and their dimensions to adjacent property lines.
 10. Dimensional features showing compliance with the applicable area, width, coverage, yard, vision clearance, natural resource protection standards, and other design standards as specified in this Chapter.
 11. Location, dimension, and arrangements of proposed site elements including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, trash disposal areas, and lighting for these areas.
 12. Zoning tabulations based on the underlying zone or zones if split, including minimum lot area and proposed lot area (measured in square feet, or acres if exceeding one (1) acre); maximum gross floor area and proposed gross floor area, if applicable; maximum residential density and proposed residential density (measured in dwelling units per acre), if applicable; minimum yard areas and proposed yard areas; maximum building height and proposed building height, as

defined and calculated in accordance with Section 9.52.171 of the Yachats Municipal Code; maximum building and impervious lot coverage and proposed building and impervious lot coverage; and minimum required parking and proposed (off-street) parking.

13. Location, dimensions, and arrangement of all areas devoted to open space, retention of existing trees and vegetation, proposed ground cover, trees and other native plantings, and recreation.
 14. A copy of the last recorded subdivision plan of which the property is part.
 15. Locations and designs of all on-site and off-site improvements related to access control and traffic capacity.
 16. State or County Road Approach Permit, if applicable.
 17. Any application for conditional use shall be accompanied by fully dimensioned design drawings, elevations, and plans for any proposed principal building or structure, or any addition to an existing principal structure. Drawings shall provide building height, materials, and colors to be used.
- G. In the case where any or all of the above are unnecessary as in the case of a change of use in an existing structure, the City Planner shall determine which items in subsection (1) through (17) of this section will not be required for application. The Planning Commission may request additional items if they determine that these additional items are necessary to understand and make a decision on the application.
- H. If the request for Conditional Use meets the requirements of this title, the City Recorder shall set a time for a public hearing on the request before the Planning Commission within forty (40) days from the filing thereof and shall cause notice to be given in accordance with Section 9.88.060.
- I. At the conclusion of the public hearing, the Planning Commission may approve, approve with conditions, or deny the request, based upon the general and specific standards addressing the Conditional Use, pursuant to Chapter 9.88.

Amending Chapter 9.72. Conditional Uses, Section 9.72.050 Standards and Procedures Governing Conditional Uses, by deleting paragraph A.

Amending Chapter 9.48 Off-Street Parking and Loading, Section 9.48.010 General Requirements by modifying paragraph L.3 as follows:

“3. Motel, hotel, inn, or resort: one (1) space per guest room; hostel: one-half (1/2) space per bed.”

(1) EXAMPLE: Average Grade for Entire Structure

$$= \frac{A+B+C+D+E+F+G+H}{8}$$

§ 9.52.171 **Determining Height of Building**

See also:

Section 9.04.030 Definitions

Section 9.52.170 General exceptions to building height limitations. Limitations in other Sections of this Ordinance.

Calculating the maximum vertical Height of Building shall be accomplished as follows:

(1) Establish finished grades:

See EXAMPLE 1.

1a. Establish the finished grade immediately adjacent to the building or structure's primary walls at each corner.

1b. Where a retaining wall occurs on one or more sides, the finished grade at the high side of retaining wall shall be used for that side, and the finished grade at the low side of the retaining wall shall be used for the adjacent intersecting sides.

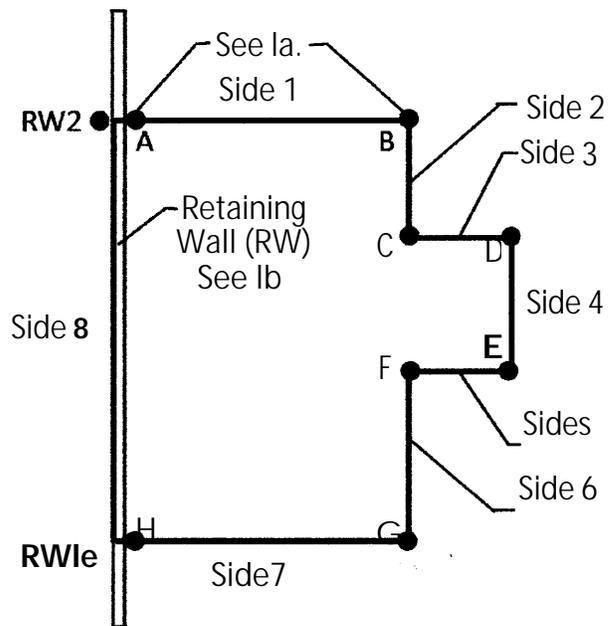
(2) Calculate average finished grades:

2a. For each side of the building or structure calculate the average finished grade. Utilize grades at each corner of each side of the building, and divide by two. See EXAMPLE 2a.

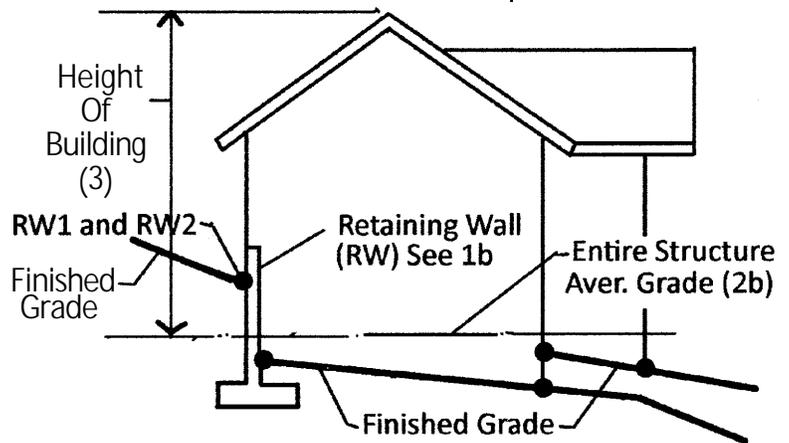
2b. The Average Finished Grade for The Entire Structure is the sum of all wall calculations divided by the number of walls; Add the average finished grades for all sides and divide by the number of sides. See EXAMPLE 2b.

(3) Height of Building shall be the distance from the Average Finished Grade for the Entire Structure to the highest point of the building or structure.

EXAMPLE 1: Establish Finished Grades



EXAMPLE 2a₁ Average Side 1 = $\frac{A+B}{2}$



EXAMPLE 2b: Average Finished Grade for Entire Structure
 = $\frac{\text{Sum of the Average Grades for All Sides}}{\text{Number of Sides}}$