

**CITY OF YACHATS  
ORDINANCE NO. 309**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE  
CHAPTERS 9.12 THROUGH 9.24 – RESIDENTIAL ZONES,  
SECTIONS 9.12.020, 9.16.020, 9.20.020 AND 9.24.020 – PERMITTED USES**

**WHEREAS**, the Planning Commission held a public hearing on the proposed amending language on November 15, 2011 and voted to recommend to City Council that the amendment be adopted;

**NOW THEREFORE**, the City of Yachats ordains as follows:

**Section 1 - Chapter 9.12 - R-1 Residential Zone Shall be amended as follows:**

**Section 9.12.020 Permitted uses.**

In an R-1 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle ~~or manufactured dwelling~~ used for dwelling purposes during the construction of a ~~permitted use~~ new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~for which a~~ A building permit ~~has been~~ shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction;
- C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;
- E. Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60;
- F. Family day care provider;
- G. Residential home;
- H. Factory built dwelling;
- I. Single-family manufactured homes on individual lots subject to the following restrictions:
  1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
  2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.
  3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.
  4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.
  5. If the manufactured home has a garage or carport, it shall be constructed of like materials.
  6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances.
  7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width.

**Section 2 - Chapter 9.16 - R-2 Residential Zone Shall be amended as follows:**

**Section 9.16.020 Permitted uses.**

In an R-2 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle ~~or manufactured dwelling~~ used for dwelling purposes during the construction of a ~~permitted use~~ new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~for which a~~ A building permit ~~has been~~ shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction;
- C. Recreational Vehicle. See Chapter 9.68;
- D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- E. Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60;
- F. Townhouse planned unit development (P.U.D.). See Chapter 9.62;
- G. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;
- H. Two-family dwelling;
- I. Family day care provider;
- J. Residential home;
- K. Factory built dwelling. See Definitions;
- L. Single-family manufactured homes on individual lots subject to the following restrictions:
  1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
  2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.
  3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.
  4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.
  5. If the manufactured home has a garage or carport, it shall be constructed of like materials.
  6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances.
  7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width.

**Section 3 - Chapter 9.20 - R-3 Residential Zone Shall be amended as follows:**

**Section 9.20.020 Permitted uses.**

In an R-3 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle ~~or manufactured dwelling~~ used for dwelling purposes during the construction of a ~~permitted use~~ new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~for which a~~ A building permit ~~has been~~ shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has

been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction;

- C. Recreational Vehicle. See Chapter 9.68;
- D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- E. Planned unit development. (P.U.D.) except for manufactured home P.U.D. See Chapter 9.60;
- F. Townhouse planned unit development (P.U.D.). See Chapter 9.62;
- G. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;
- H. Two-family dwelling;
- I. Multifamily dwelling;
- J. Factory built dwelling. See Definitions;
- K. Family day care provider;
- L. Residential home;
- M. Residential facility;
- N. Single-family manufactured homes on individual lots subject to the following restrictions:
  - 1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
  - 2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.
  - 3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.
  - 4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.
  - 5. If the manufactured home has a garage or carport, it shall be constructed of like materials.
  - 6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances.
  - 7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width.

#### **Section 4 - Chapter 9.24 - R-4 Residential Zone Shall be amended as follows:**

##### **Section 9.24.020 Permitted uses.**

In an R-4 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable.

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle ~~or manufactured dwelling~~ used for dwelling purposes during the construction of a ~~permitted use~~ new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~for which a~~ A building permit ~~has been~~ shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction;
- C. Recreational vehicle. See Chapter 9.68;
- D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;

- E. Planned unit development. (P.U.D.) except for manufactured home P.U.D. See Chapter 9.60;
- F. Townhouse planned unit development (P.U.D.). See Chapter 9.62.
- G. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;
- H. Two-family dwelling;
- I. Multifamily dwelling, including condominiums, townhouses and apartments;
- J. Factory built dwellings. See Definitions;
- K. Motel, hotel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway

101 only and with accessory commercial uses;

- L. Family day care provider;
- M. Residential home;
- N. Residential facility;
- O. Single-family manufactured homes on individual lots subject to the following restrictions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.

2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.

3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.

4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.

5. If the manufactured home has a garage or carport, it shall be constructed of like materials.

6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances.

7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width.

**PASSED AND ADOPTED** by the City Council of the City of Yachats on this \_\_\_\_\_ day of \_\_\_\_\_.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstentions: \_\_\_\_\_ Absent: \_\_\_\_\_

**APPROVED** by the Mayor this \_\_\_\_ day of \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Ronald L Brean, Mayor

\_\_\_\_\_  
Nancy Batchelder, City Recorder