

CHAPTER 2  
ZONING AND DEVELOPMENT

**2.300 SPECIAL DEVELOPMENT PROVISIONS AND EXCEPTIONS**

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**2.301 MEDICAL HARDSHIP DWELLING**

**2.301.01 Medical Hardship Dwelling - Accessory Use**

A Medical Hardship Dwelling may be permitted as an accessory use to the residential use of property when it is in compliance with the following procedures and standards.

**2.301.02 Application**

An application for a Medical Hardship Dwelling shall be submitted to the City Council in accordance with the provisions of Section 3.201.05. A filing fee in accordance with the provisions of Section 3.201.06 shall be submitted with the application.

**2.301.03 Review and Action on Application**

- A. Council Hearing. Before the City Council may act on an application for a Medical Hardship Dwelling, it shall consider the application at a public meeting. Notice of the public meeting shall be mailed at least 10 days prior to the meeting to all owners of property located within 100 feet of the exterior boundaries of the property where the Medical Hardship Dwelling is proposed to be located. Mailed notice shall be consistent with Section 3.202.01.
- B. Council Action. After all written and oral testimony has been taken, the City Council shall approve, deny, or approve with conditions or modifications, the application, based upon consideration of the general provisions in Section 2.301.04.

**2.301.04 General Requirements for Medical Hardship Dwellings**

- A. Accessory Use. The Medical Hardship Dwelling shall be the second dwelling on a lot with an existing single-family dwelling.
- B. Duration. The Medical Hardship Dwelling shall be temporary.
- C. Occupation. The Medical Hardship Dwelling shall be occupied by either (1) the person(s) who is dependent on the party living in the principal dwelling on the property, or (2) the person who is the caretaker for the person(s) with the medical hardship. In the event the principal dwelling is occupied by the person(s) with the medical hardship, the caretaker(s) shall occupy the temporary dwelling.
- D. Medical Hardship. The person with the medical hardship must be either partially or fully dependent on the caretaker. This dependency must be shown at the time of application and shall be continuing circumstance as long as the temporary dwelling remains on the property. No alternative method of relieving the hardship shall be readily available.
- E. Qualifications. The person or persons with the medical hardship must meet one of the two following circumstances: (1) A licensed Oregon physician has provided a written statement that a medical hardship exists and the afflicted person requires daily supervision or care; or (2) the person(s) to be cared for has provided documentation of being 65 years of age or older.
- F. Caretaker. If the caretaker is not a relative of the person(s) with the medical hardship, proof must be shown that the caretaker is authorized to provide daily supervision or care to the person(s) with the hardship.
- G. Type of Dwelling. The medical hardship dwelling may be a manufactured home, a mobile home, or a recreational vehicle, as long as there is at least

100 square feet of floor area per occupant in the dwelling. The hardship dwelling shall be both safe and habitable.

- H. Utility Connections. An additional plumbing hookup to the existing sewage disposal system on the property shall be required. The hookup shall comply with the Oregon State Plumbing Code.
- I. Removal. The Medical Hardship Dwelling shall be removed within 90 days from the date the hardship no longer exists. The person(s) providing care for the person(s) with the hardship shall agree in writing to remove the hardship dwelling from the property within 90 days from the date the hardship no longer exists.
- J. Location. The Medical Hardship Dwelling shall be placed on the property so that it shall comply with all applicable zoning ordinance provisions, or the appropriate variances shall have been obtained.
- K. Compatibility. The placement of the Medical Hardship Dwelling on the property shall be generally compatible with existing development on nearby properties.

### **2.301.05 Annual Review**

Each hardship dwelling shall be reviewed once a year by the City Council. A filing fee in accordance with the provisions of Section 3.201.06 shall be submitted to the city part of the annual review. At the time of review, each permit holder shall verify, in writing, that the hardship situation has not changed substantially. If the permit is not in compliance it may be revoked by the City Council, after consideration of the circumstances involved at a public meeting.

### **2.302 MANUFACTURED HOME PLACEMENT REQUIREMENTS**

The following standards shall apply to the location of manufactured homes in the City:

- A. The manufactured home shall be a minimum of 12 feet wide and shall have a minimum floor area of 800 square feet.
- B. The manufactured home shall be equipped with continuous skirting within 8 weeks unless placed on a standard continuous concrete foundation.
- C. The manufactured home shall be equipped with a front porch which is at least four feet by six feet (4' X 6') in area and which is composed of wood or concrete.

- D. The manufactured home must comply with all state laws pertaining to the construction, operation and placement of manufactured homes.
- E. The manufactured home shall be equipped with an accessory storage shed which is at least 48 square feet in area and six feet (6') in height.
- F. The manufactured home shall have a pitched roof with a minimum pitch of two and one-half feet (2 1/2') in height for every twelve feet (12') in width (2 1/2:12).
- G. The manufactured home shall be connected to the city's water system. The connection shall be approved prior to occupancy of the manufactured home.

### **2.303 NONCONFORMING USES**

- A. A nonconforming use or structure may be continued but may not be altered, extended or enlarged.
- B. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- C. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
- D. A nonconforming structure which conforms with respect to use may be altered, extended or enlarged if such construction does not cause the structure to further deviate from the standards of this ordinance.
- E. If a nonconforming structure or structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80% of its valuation as indicated by the records of the County Assessor, a future structure on the site or use of the site shall conform to this ordinance.

### **2.304 EXCEPTIONS**

#### **2.304.01 General Exceptions to Lot Size Requirements**

If a property ownership, consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this ordinance, has an area or dimension which does not meet the minimum lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone.

#### **2.304.02 General Exceptions to Yard Requirements**

*City of Sodaville*

*Zoning and Development Ordinance – Adopted Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

The following exceptions to yard requirements are authorized for a lot in any zone:

- A. If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the developed lots have front yards of less than the required depth for the zone, the depth of the front yard of the intervening lot need not exceed the average depth of the front yard of the abutting lots.
- B. If there is a building on one abutting lot which is within 100 feet of the lot, and the developed lot has a front yard of less than the required depth for the zone, the front yard of the lot need not exceed a depth halfway between the depth of the front yard of the abutting developed land and the required front yard depth.

### **2.304.03 General Exceptions to Building Height Limitations** \_

Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

No provision of this Ordinance shall be deemed to apply to antenna support structures and/or amateur antennas used in amateur radio service as defined in 47.CFR 97.

### **2.304.04 Projections from Buildings** \_

Architectural features such as cornices, eaves, canopies, sunshades, gutters, balconies and upper stories and chimneys shall not project more than 24 inches into a required side yard or 48 inches into a required front or rear yard.

## **2.305 Accessory Dwelling Units**

### **2.305.01 General Requirements**

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure, pursuant to the City of Sodaville Zoning and Development Ordinance and shall conform to the following standards.

- A. Number of Units.** Two options are available subject to the following limitations:

**One Unit Option.** A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

**Two Unit Option.** A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

**B. Floor Area.** Floor area for an accessory dwelling unit shall be subject to the following:

1. **Detached.** A detached Accessory Dwelling shall not exceed 700 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
2. **Attached.** An attached or interior Accessory Dwelling shall not exceed 700 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 700 square feet.

**C. Other Development Standards.** Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and
2. No off-street parking is required for an Accessory Dwelling.