

## ARTICLE V

### SPECIAL USE STANDARDS AND EXCEPTIONS

#### SECTION 5.010: MOBILE HOME, MANUFACTURED HOME AND RECREATIONAL VEHICLE SITING CRITERIA

Each mobile home, manufactured home and recreational vehicle located within the County shall comply with all County and state installation and placement requirements and the following additional requirements, except when used during the construction of a permitted use as detailed in the underlying zone.

- (1) An application for mobile home, manufactured home or recreational vehicle placement shall be obtained from, and approved by, the Department prior to the placement of a mobile home, manufactured home or recreational vehicle on any lot within the County's jurisdiction. Plans showing the proposed location of the unit shall accompany the application. No permit shall be considered approved until compliance with all applicable sanitation, building, planning, and public works requirements can be demonstrated, and such demonstration is acknowledged by the signatures of appropriate County officials. A new application must be obtained and approved if a new or different mobile home, manufactured home or recreational vehicle is placed, or if placement has not taken place within 12 6 (six) months following approval of the most recent application.
- (2) Building permits are required for construction of a foundation or any site-constructed buildings or structures, if one is required by the Uniform Building Code as adopted by the County.
- (3) The area of a mobile home, manufactured home or recreational vehicle shall be determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device.
- (4) A mobile home or manufactured home shall be anchored with required tie-downs.
- (5) A mobile home or manufactured home shall have a continuous skirting of non-decaying material within ninety (90) days of placement.
- (6) A storage building of at least sixty-four (64) square feet that is structurally compatible with the mobile home, manufactured home or recreational vehicle shall be constructed within ninety days following placement of the unit.
- (7) Off-street parking sufficient for two automobiles shall be provided for each mobile home, manufactured home or recreational vehicle installation. Construction of the off-street parking facilities shall be completed within ninety days following placement of the unit upon the site in compliance with Section 4.030.
- (8) Additions or alterations may be attached to a mobile or manufactured home, provided that such additions are structurally compatible with the mobile and manufactured home, and comply with other requirements of this Ordinance, the Uniform Building Code, and State regulations.
- (9) Temporary mobile home, manufactured home or recreational vehicle used in conjunction with a building or permanent placement permit shall meet the following criteria:
  - (a) Continuous construction shall take place as evidenced by construction activity during each consecutive six-month period.

- (b) Tie-downs shall be utilized according to State standards.
  - (c) Required set-backs shall be maintained.
  - (d) A mobile or manufactured home shall be removed within thirty days after the date the building permit is void, closed out, or finalized by the County Building Official.
  - (e) A recreational vehicle shall be immediately unhooked from utilities and stored on the lot so as to maintain required set-backs, or shall be removed within thirty days after the date that either the building permit is void, closed out, or finalized by the County Building Official, or the permanent placement permit is issued or denied.
  - (f) Failure to meet any of the criteria in (a) through (e) above shall automatically void the temporary placement permit.
- (10) The Director has the authority to waive the requirements in Subsections (5) and (6) above, upon application by the owner showing just cause for said waiver.

#### SECTION 5.020: MOBILE AND MANUFACTURED HOME PARK STANDARDS

##### PURPOSE:

The purpose of the MOBILE AND MANUFACTURED HOME PARK standards is to insure that each new or enlarged park provides necessary facilities, adequate lot area, set-backs, and other needed requirements for the public safety, health and general welfare.

A MOBILE AND MANUFACTURED HOME PARK is a place where four or more mobile homes/manufactured homes or mobile homes/manufactured homes and recreational vehicles mixed, are located on one or more contiguous lots, tracts, or parcels of land under a single ownership, the purpose of which is to provide permanent residential spaces for charge of fee paid for the use of facilities, or to offer space free of charge in connection with securing the trade, patronage or services of the occupant.

The standards contained in this Section are minimum standards. Additional standards may be required where necessary to meet other requirements of this Ordinance, i.e. Flood Plain, Geologic Hazard Zone, Riparian Vegetation.

A MOBILE AND MANUFACTURED HOME PARK shall be built to State standards and shall comply with the following provisions:

- (1) A MOBILE AND MANUFACTURED HOME PARK shall have:
  - (a) A minimum lot size of 1 acre, or the minimum lot size of the zone, whichever is greater,
  - (b) A minimum number of 4 spaces.
- (2) Each park space shall have:
  - (a) A minimum length of 40 feet,
  - (b) A minimum width of 30 feet,

- (c) A maximum coverage of 75%,
  - (d) Clearly-defined boundaries marked by a fence, planting, or other suitable means,
  - (e) Electricity, potable water, and an approved means of sewage disposal.
- (3) Mobile and manufactured homes, and Recreational Vehicles within the park shall have the following setbacks:
- (a) A minimum distance of 20 feet from public streets right-of-way,
  - (b) A minimum distance of 10 feet from all non-street property lines.
- (4) Accessory building or structure, including community and service buildings, carports, cabanas, and ramadas, but excluding signs and fences, shall be at least 20 feet from public street rights-of-way.
- (5) Streets within mobile and manufactured home parks shall have:
- (a) A minimum width of 20 feet if parking is prohibited and 30 feet if parking is permitted on one side,
  - (b) Well-drained, durable and dustless surfaces improved to minimum public road standards, or other approved surface and maintained in good condition.
- (6) Walkways not less than three (3) feet wide and illumination of not less than one foot candles may be required to provide pedestrian access from mobile and manufactured home spaces to community and service buildings. All walkways shall be well drained and have durable and dustless surfaces.
- (7) Screening consisting of sight-obscuring fence and/or buffer strip of vegetation may be required along all property lines.
- (8) Trash receptacle shall be provided in convenient locations for the use of the tenants within the park, and shall be located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
- (9) A mobile or manufactured home permitted in the park shall meet the standards as stipulated in Section 5.010 of this Ordinance. All recreational vehicles shall be tied down.
- (10) If the park provides spaces for 50 or more mobile or manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the departments of emergency services for distribution to all affected emergency agencies. One shall be filed with the Department of Community Development.
- (11) An on-site storage area, for park residents only, may be allowed. If allowed, the storage area shall be screened with a 6 foot high sight obscuring fence or hedge, or combination of landscaping and fence to 6 foot high along all exterior property lines.
- (12) The standards contained in this Section are minimum standards. Different standards may be required where necessary to meet other requirements of this Ordinance.

- (13) Preliminary plans which contain all the information specified in OAR 814-050 shall be submitted to the Planning Department when requesting Conditional Use, or permit approval.
- (14) Approval of a MOBILE AND MANUFACTURED HOME PARK shall not be construed to be an approval of the building plans for building permit review purposes. All proposed building construction is subject to alteration to meet Uniform Building Code requirements as part of building permit review.
- (15) All MOBILE AND MANUFACTURED HOME PARKS, which legally existed prior to the date of this Ordinance, and which have submitted complete Master Plans to the Department for review, shall be considered an "existing use" if:
  - (a) The park is in compliance with all State regulations and County sanitation regulations; and
  - (b) Master Plans and review fees are submitted to the Department no later than December 31, 1986; and
  - (c) The Department issues a letter to the park owner indicating that the park meets the above two criteria.

If it is determined by the Department that the park DOES meet the first two criteria the Department shall submit the letter, mentioned in (C) above, to the park owner. At that time, only that portion of the park identified in the Master Plan, will then be considered an "existing use".

Only those parks who retain the confirmation letter will be considered an "existing use". In the future, if one of the "existing use" parks enlarge or expand, only the new portion of the park will be required to meet the County standards.

The "existing use" parks are to be allowed to remain as they are represented within the accepted Master Plan on only that portion of the property designated. If the use is vacated for over one year the "existing use" designation shall be void, and any new use of the property shall conform to the requirements of this Ordinance.

The "existing use" may be sold or transferred to new owners. The new owners will maintain the rights as the previous owners.

## SECTION 5.030: RECREATIONAL CAMPGROUND STANDARDS

### (1) PURPOSE:

The purpose of the RECREATIONAL CAMPGROUND STANDARDS is to insure that each new or enlarged RECREATIONAL CAMPGROUND provides necessary facilities, adequate lot area, set-back, and other needed requirements for the public safety, health, and general welfare.

A RECREATIONAL CAMPGROUND is a place where four or more recreational vehicles and/or tents are located on one or more continuous lots, tracts, or parcels of land under a single ownership for temporary recreational camping. A permanent house, mobile home, manufactured home, or recreational vehicle for the owner, operator, or manager of the campground is allowed, however other Sections of the Ordinance pertaining to such use shall apply, including Section 5.010, etc. Accessory uses that may be permitted include recreational cabins, showers, laundry, a grocery, a gas pump, and recreation facilities that are designated for the primary

purpose of serving the occupants of the campground. A camper as defined in Article I, shall not be allowed to stay any longer than six (6) months in any twelve (12) month period.

The standards contained in this Section are minimum standards. Additional standards may be required where necessary to meet other requirements of this Ordinance, i.e. Floodplain, Geologic Hazard zone, Riparian Vegetation.

(2) A RECREATIONAL CAMPGROUND shall be built to State standards and shall comply with the following provisions:

- (a) A RECREATIONAL CAMPGROUND shall have:
  - i. A minimum size of 1 acre or the minimum lot size of the zone, whichever is greater;
  - ii. A minimum number of 4 sites;
  - iii. A minimum width of space 23 feet or state minimum which ever is greater,for each site;
  - iv. Lot depths may vary in size, however maximum unit lengths shall be designated for each proposed space, and each space shall include enough area for the required set-backs along with the maximum unit length;
  - v. A minimum distance between actual unit location and interior road right-of-way of 10 feet. Each campsite will have direct access to interior road right-of-way;
  - vi. And all property lines not abutting an exterior roadway shall be 10 feet. A minimum distance between actual unit and an exterior roadway shall be 20 feet;
  - vii. A minimum distance between actual units of 15 feet;
  - viii. Minimum distance between actual unit and community or service buildings of 10 feet;
  - ix. Campground roads shall have a surface width of at least 16 feet with 2 foot shoulders on each side. All interior park roads shall be surfaced to minimum County road standards and well- drained. No on-street parking shall be allowed;
  - x. Walkways not less than three (3) feet wide may be required to be provided from trailer spaces to community and service buildings. All access roads and walkways should be well lighted;
  - xi. All areas not used for spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped or maintain existing natural vegetation. The landscaping shall be maintained in good condition;
  - xii. A sight-obscuring fence and/or buffer strip of vegetation may be required on every side of a RECREATIONAL CAMPGROUND;.
  - xiii. Trash cans shall be provided in convenient locations for the use of guests of the park, and shall be located in such number, and shall be of such capacity, that there is no uncovered accumulation of trash at any time;

- xiv. All Recreational Vehicles staying in the park shall be assigned to a space. No space shall have more than one (1) Recreational Vehicle or tent assigned to it, except as provided in State law;
- xv. Approval of a recreational campground shall not be construed to be an approval of the building plans for building permit review purposes. All proposed building construction must meet Uniform Building Code requirements as part of building permit review;
- xvi. On-site storage areas, for park residents only, may be allowed. If allowed, the storage area shall be screened or combined landscape and screening with a 6 foot high sight obscuring fence or hedge along all exterior property lines of the storage area;
- xvii. Preliminary plans which contain all the information specified in OAR 333-31-059 shall be submitted to the Planning Department when requesting Conditional Use approval.
- xviii. All RECREATIONAL CAMPGROUNDS, which legally existed prior to the date of this Ordinance, and which have submitted complete Master Plans to the department for review, shall be considered an "existing use" if:
  - 1. The RECREATIONAL CAMPGROUND is in compliance with all State regulations and County Sanitation regulations; and
  - 2. Master Plans and review fees are submitted to the department no later than December 31, 1986; and
  - 3. The department issues a letter to the RECREATIONAL CAMPGROUND owner indicating that the campground meets the above two criteria.

If it is determined by the department that the RECREATIONAL CAMPGROUND does meet the first two criteria, the department shall submit the letter, mentioned in (c) above, to the campground owner. At that time, only that portion of the campground identified in the Master Plan, will then be considered an "existing use".

Only those campgrounds who retain the confirmation letter will be considered an "existing use". In the future, if one of the "existing use" campgrounds enlarge or expand, only that new portion of the campground will be required to meet the County standards.

The "existing use" RECREATIONAL CAMPGROUNDS are to be allowed to remain as they are represented within the accepted Master Plan on only that portion of the property designated. If the use is vacated for over one year the "existing use" designation shall be void, and any new use of the property shall conform to the requirements of this Ordinance.

The "existing use" may be sold or transferred to new owners. The new owners will maintain the same rights as the previous owners.

- xix. The accessory commercial uses such as gas pump, laundry, grocery store and recreational facilities shall not exceed the requirements of Rural Commercial, Section 3.020.
- xx. New full hook-up parks requiring a community septic/sewer system are permitted only within adopted unincorporated community boundaries.

## SECTION 5.040: PRIMITIVE CAMPGROUND STANDARDS

### PURPOSE

The purpose of the PRIMITIVE CAMPGROUND STANDARDS is to insure that each new or enlarged campground provides the necessary facilities, sites, amenities, and other requirements in the interest of preserving the public safety, health, and general welfare, and that such developments provide a quality camping opportunity for visitors to the County.

A PRIMITIVE CAMPGROUND is a designated place where four or more campsites are located for occupancy by camping units on a temporary basis for recreation, education or vacation purposes. A PRIMITIVE CAMPGROUND is predominantly an unattended facility which is established to accommodate recreational vehicles, tents, or bicycle uses for a period of time not to exceed two weeks in any given four week period.

The standards contained in this Section are minimum standards. Additional standards may be required where necessary to meet other requirements of this Ordinance, i.e. Flood Plain, Geologic Hazard zone, riparian vegetation.

A campground shall be built to State standards and shall comply with the following provisions:

- (1) The total area utilized for campsites and access shall not exceed 60% of the total area of the campground.
- (2) Each space shall be a minimum of 1,200 square feet.
- (3) Each campsite shall be provided with a fire pit or ring.
- (4) Tables shall be provided at all campsites.
- (5) Natural vegetation or landscaping surrounding campsites shall remain intact.
- (6) Trash cans may be provided in convenient locations for the use of guests of the park, may be located in such number, and may be of such capacity that there is no uncovered accumulation of trash at any time.
- (7) A house, mobile home or manufactured home may be located within the campground for the owner, manager or caretaker of the campground.
- (8) Other camp-related buildings may be permitted, if approved through the Conditional Use process.
- (9) No recreational vehicle, tent, or other building or structure shall be within 20 feet of any property line.
- (10) Access and interior roadways must be approved by the County Public Works Department.
- (11) The campground may be adequately screened with vegetation and/or natural features around its exterior boundary lines.
- (12) Preliminary plans which contain all the information specified in OAR 333-31-059 shall be submitted to the Planning Department when requesting Conditional Use or permit approval.
- (13) All PRIMITIVE CAMPGROUNDS, which legally existed prior to the date of this Ordinance, and which have submitted complete Master Plans to the Department for review, shall be considered an "existing use" if:

- (a) The PRIMITIVE CAMPGROUND is in compliance with all State regulations and County Sanitation regulations; and
  - (b) Master Plans and review fees are submitted to the department no later than December 31, 1986; and
  - (c) The department issues a letter to the PRIMITIVE CAMPGROUND owner indicating that the campground meets the above two criteria.
- (14) If it is determined by the department that the PRIMITIVE CAMPGROUND does meet the first two criteria of (13), the department shall submit the letter, mentioned in (c) above, to the campground owner. At that time, only that portion of the campground identified in the Master Plan, will then be considered an "existing use".

Only those campgrounds who retain the confirmation letter will be considered an "existing use". In the future, if one of the "existing use" campgrounds enlarge or expand, only that new portion of the campground will be required to meet the County standards.

The "existing use" PRIMITIVE CAMPGROUNDS are to be allowed to remain as they are represented within the accepted Master Plan on only that portion of the property designated. If the use is vacated for over one year the "existing use" designation shall be void, and any new use of the property shall conform to the requirements of this Ordinance.

The "existing use" may be sold or transferred to new owners. The new owners will maintain the same rights as the previous owners

**SECTION 5.050: GENERAL EXCEPTIONS FOR THE LOCATION OF RECREATIONAL VEHICLES AND MOBILE AND MANUFACTURED HOMES**

- (1) The Commission, upon receiving a preliminary subdivision designed either for RECREATIONAL VEHICLES in the RMH, RMD, CSFR or RR-2 AND RR-10 zones or MOBILE AND MANUFACTURED HOMES in the CR-2 or CR-3 zones, may approve the preliminary plat with the stipulation that the proposed use may be permitted outright, provided that the following criteria can be met:
  - (a) There is no apparent incompatibility with land uses on surrounding properties.
  - (b) The proposed use of the subdivision will not substantially alter the overall land use pattern in the vicinity.
  - (c) The proposed use is consistent with Comprehensive Plan policies for the vicinity.
  - (d) All applicable regulations pertaining to the proposed use will be met.
- (2) The use of RECREATIONAL VEHICLES is permitted outright in the following areas, provided that all applicable development standards are met:
  - (a) Silver Valley Mobile Home Ranch, located in the Neskowin area in the RR zone.
  - (b) Three Rivers Ranch, located on Highway 22 near Hebo in the RR zone.



- (c) Deer Ridge Subdivision and all recorded additions, located on Netarts Highway, 4 miles from Tillamook in the RR zone.
- (d) Foley Creek, Foley Creek II, and Foley Creek III, located on Miami-Foley Road, 7 miles from Garibaldi in the RR zone.
- (e) Wilson Beach, located in Netarts in the RMD zone.
- (f) Elk Meadows, located east of Lee's Camp on the Wilson River Highway.

SECTION 5.070: TEMPORARY USES

- (1) The use of a recreation vehicle as a temporary dwelling during the construction of a public facility improvement project may be authorized by the Director in any zone, subject to the approval of a sewage disposal system by the County Sanitarian.
- (2) The temporary parking and use of a recreational vehicle by a party visiting a resident of Tillamook County is authorized in conjunction with a legally established dwelling, on the resident's property for a period not to exceed two weeks within one month (30 days), provided that no County Sanitation or setback requirements are violated.
- (3) Temporary Use permits for Special Events and Retail Sales:
  - (a) Definition: For the purposes of this Subsection, Temporary Use means activities involving the retail sale of food or goods, or outdoor events such as festivals or carnivals, which last no more than a total of three consecutive days. Such uses shall not involve the construction of permanent facilities.
  - (b) Temporary Use Permit: A Temporary Use is not permitted until a permit is acquired from the Department.
    - i. Applications for a temporary use permit shall be made on forms provided by the Department. Applications shall include:
      - 1. The applicant's name, address, and telephone number.
      - 2. The written permission of the property owner.
      - 3. Organizational affiliation or sponsorship, if any.
      - 4. Description of the planned activity.
      - 5. Days and hours of operation.
      - 6. Provisions for parking, access, and litter control, if necessary.
    - ii. Applications will be reviewed by the Tillamook County Public Works, Planning, Health, Sheriff's Department; Parks Department where applicable.

- iii. In reviewing a Temporary Use Permit, the Director shall consider the recommendations and comments of the reviewing departments and the potential impacts of the proposed use on nearby properties. The Director may impose conditions of approval to ensure compliance with the provisions of this Ordinance.
  - iv. The Director's decision on a Temporary Use Permit may be appealed to the Board by filing a written letter with the Department within 7 days of the decision. Notice of the public hearing before the Board shall be provided in accordance with Section 10.060 (3) (a).
- (c) Fees for Temporary Use Permits:
- i. No fee shall be charged if the applicant is a bonafide nonprofit, charitable organization.
  - ii. Applicants may coordinate their requests so that a single fee may be charged for all associated activities occurring at one location during the same time period.
  - iii. The appeal fee is equal to the cost of the application.
- (d) Approved permits shall be available, at the location of the Temporary Use during the period allowed by the permit, for inspection by Tillamook County law enforcement or Department officials.

#### SECTION 5.080: GARAGE SALES

Not more than two garage sales consisting of not more than three consecutive days each shall be allowed in an 12 month period.

#### SECTION 5.090: SPECIAL REQUIREMENTS FOR MOBILE HOMES

In the CR-1, CR-2 zones of Cloverdale, the CR-3 zone when permitted outright; in the CR-2 zone when permitted conditionally; in the CSFR zone within and contiguous to the exception areas of Falcon Cove and Tierra Del Mar; and in the RR zone in the Idaville Roads, and an area south of the Alderbrook Golf Course and north of Alderbrook Road between Vaughn and Doughty Roads; and in the First Addition to Wilson Beach zoned RMD, and as otherwise identified as applicable by the ordinance; in addition to the requirements of Section 5.085 for mobile homes, mobile homes shall:

- (1) Be multi-sectional, and not single wide.
- (2) Have a roof with at least a pitch of 3 in 12
- (3) Be roofed with composition shingles or other conventional house-type roofing.
- (4) Be sided with lap or other wood-like siding.
- (5) Be skirted with the same material as the siding.

#### SECTION 5.100 NESKOWIN EROSION CONTROL AND STORMWATER MANAGEMENT

- (1) **PURPOSE:** The Neskowin Coastal Erosion Adaptation Plan directs that erosion control and stormwater management be addressed within the Neskowin community boundary. Fluctuations in water levels and discharge of sediments within community streams and creeks ultimately impact coastal erosion. The purpose of this section is to ensure that new land divisions and other substantial developments within the

Neskowin Community Boundary provide for adequate control of erosion and sedimentation during construction and other ground disturbing activities. Furthermore, measures should be incorporated for long-term management of stormwater in a manner that minimizes impacts on coastal erosion and other related adverse impacts to the community.

- (2) **APPLICABILITY:** The provisions of this section shall apply to:
- (a) All lands within the Neskowin Community Boundary as set forth on the Tillamook County Comprehensive Plan map;
  - (b) All development subject to approval by Tillamook County pursuant to Section 3.520, Section 3.525, Section 3.045, Section 4.170, or the provisions of the Tillamook County Land Division Ordinance; and,
  - (c) All development within the Neskowin Coastal hazard Overlay Zone (NESK CH) area that requires a Neskowin Coastal Hazard Area Permit.
- (3) **EROSION CONTROL:** All applications for development subject to the provisions of this section shall include detailed plans for the control of erosion and sedimentation during the course of construction and/or other ground disturbing activities. Such plans shall, at a minimum, incorporate the following measures:
- (a) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, allow the soil to be stabilized as quickly as practicable, and disturb the smallest practical area at any one time during construction;
  - (b) Development plans shall minimize cut or fill operations so as to prevent off-site impacts;
  - (c) Sedimentation barriers, as described in the Oregon Department of Environmental Quality publication “Best Management Practices for Stormwater Discharges Associated with Construction Activities” shall be placed to control sedimentation and minimize any sediment discharge from the site. Such barriers shall be installed prior to site clearing or grading activities;
  - (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development; and,
  - (e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.
- (4) **STORMWATER MANAGEMENT:** Applications for development subject to the provisions of this section shall include plans for the long-term management of stormwater that, at a minimum, conform to the following requirements:
- (a) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally controlled where necessary to prevent increased erosion; and
  - (b) Permanent drainage provisions adequate to convey surface runoff from the twenty-year frequency storm to suitable drainage ways such as storm drains, natural watercourses, or drainage swales shall be provided. In no case shall runoff be directed in such a way as to significantly decrease the stability of bluff faces, foredune areas, known landslides, or other areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.
  - (c) A geologic report, required within the NESK CH Overlay Zone, shall address management of

surface water runoff at or behind active foredunes and riprap structures in order to reduce erosion and structure failure potential.

- (5) **MAINTENANCE:** All erosion control and stormwater management measures shall be maintained in a manner that ensures that they function in accordance with their approved design. Failure to maintain erosion control or stormwater management measures in accordance with approved plans shall constitute a violation of this ordinance subject to enforcement pursuant to Article 1.

#### SECTION 5.110: ACCESSORY DWELLING UNIT (ADU) STANDARDS

**DEFINITION:** Accessory Dwelling Unit (ADU): a subordinate dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same property as the primary dwelling and which is incidental to the main use of the property. In no case shall the ADU exceed in area, extent or purpose, the primary dwelling.

An Accessory Dwelling Unit (ADU) may be either integrated into the same structure as the primary dwelling or constructed as a separate freestanding dwelling. If constructed within or as an addition to an existing or under-construction primary dwelling, the ADU shall conform to all building code requirements for fire separation between the two units. Attached or detached, an ADU shall be subordinate to the primary dwelling and shall meet the following use and development standards:

(A) *Location.* An ADU may be sited on a lawfully established property located in unincorporated community residential zoning districts. There is no minimum land area requirement for an ADU.

(B) *Number.* Only one ADU shall be permitted per property.

(C) *Setbacks.* For a detached ADU, the minimum rear yard setback shall be five feet; the minimum side yard setback shall be five feet and where applicable, the minimum street-side yard setback shall be ten feet. The required front yard setback of the underlying residential zone shall apply or the required front yard setback for small lots allowed under Section 4.100 and Section 4.110, where applicable. A detached ADU shall be physically separated from the primary residence by a minimum distance of six feet. A covered walkway which contains no habitable space may connect the two buildings without violation of the setback requirements.

If constructed within or as an addition to an existing or under-construction primary dwelling, the ADU shall conform to the setback requirements of the underlying zone or the required setbacks for small lots allowed under Section 4.100 and Section 4.110, where applicable.

(D) *Design.* An ADU shall be set on a permanent foundation; have any wheels, tongues, and running gear removed; and be connected to domestic sewer and water or connect to an onsite wastewater treatment system for those properties in unincorporated communities not served by sewer. A Recreational Vehicle (RV), yurt, travel trailer or other non-habitable structures not intended for residential occupancy shall not be utilized as an ADU.

(E) *Area.* The floor area of an ADU shall not exceed 75% of the living space of the primary residence or 800 square feet, whichever is less. If free-standing, the building footprint of the ADU shall also not exceed 75% of the building footprint of the primary dwelling or 800 square feet, whichever is less.

(F) *Height.* The maximum height of a freestanding ADU shall not exceed the height of the primary residence or the allowable maximum height of the underlying zone, whichever is less. An ADU built within or as an addition to the primary dwelling unit or over a detached garage shall not exceed the maximum height of the zone.

(G) *Lot Coverage.* Where applicable, maximum lot coverage requirements of the underlying zone shall not apply

to the placement of an ADU. Maximum lot coverage requirements for properties developed under TCLUO Section 4.100 shall apply.

(H) *Parking*. One off-street parking space shall be maintained for the ADU. The parking space shall be a minimum of 8-feet by 20-feet in size.

(I) *Transient Lodging Prohibition*. The ADU shall not be utilized for transient lodging purposes.

(J) *Non-Conforming Structures*. Any legal nonconforming structure may be allowed to contain, or be converted to, an ADU, provided the ADU does not increase the nonconformity and meets applicable building and fire code requirements. Expansion of a Non-Conforming structure to accommodate an ADU may be allowed, subject to the provisions of Article VII: Nonconforming Uses.

[TCLUO Section 5.110 Adopted February 22, 2023]