

City of McMinnville Docket G 1-23. Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for Short-Term Rentals

On May 23, 2023, at 6:00pm, the McMinnville City Council will hold a public hearing to consider a recommendation from the Planning Commission to amend standards for Short-Term Rentals.

On March 16, 2023, the McMinnville Planning Commission held a public hearing and made a recommendation to the City Council regarding the following:

G 1-23. Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for Short-Term Rentals

The proposed amendment would amend the standards for Short-Term Rentals in the R-1, R-2, R-3, R-4, R-5, and O-R zones.

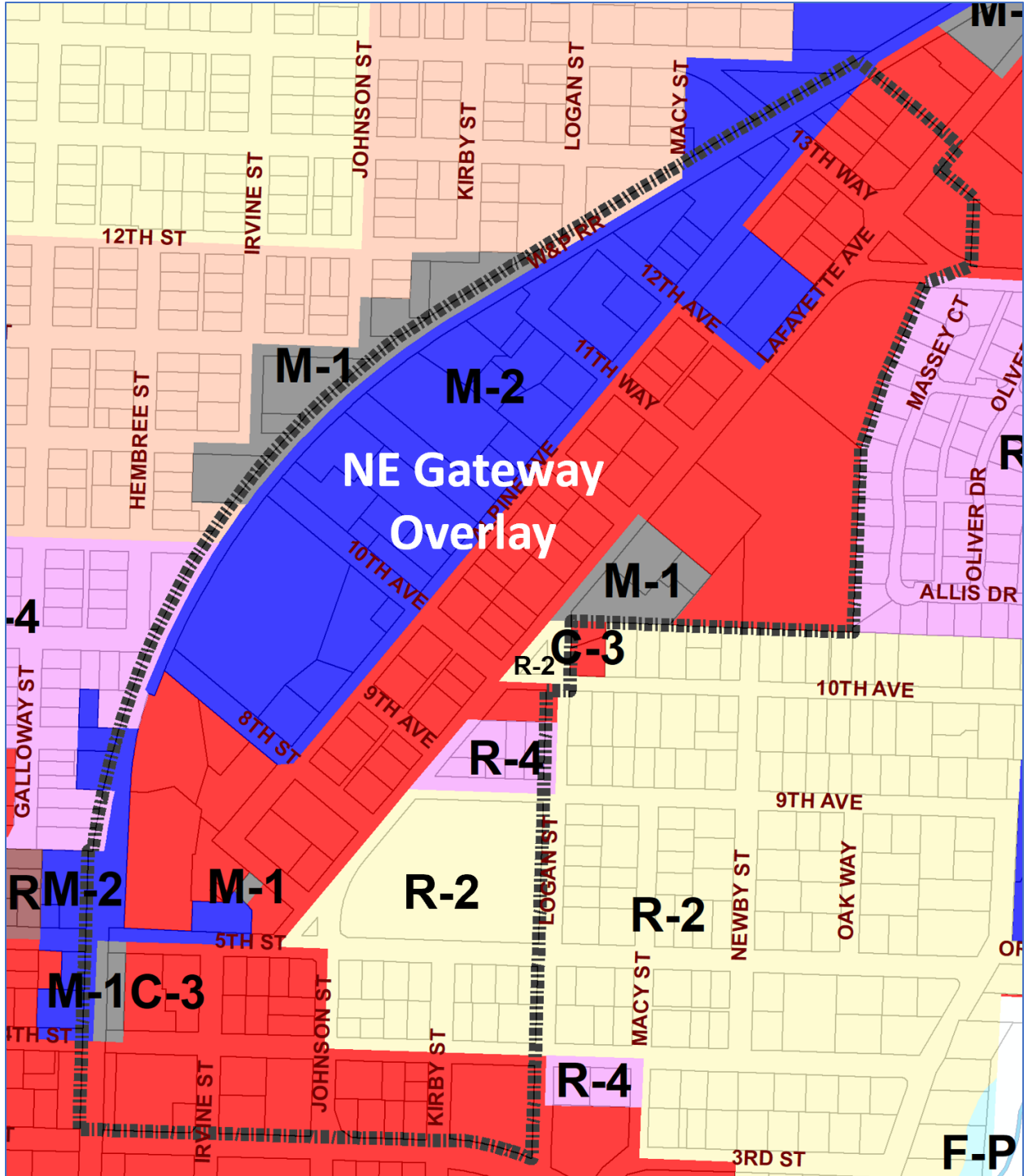
Short-Term Rentals are listed as a permitted use in these zoning districts, subject to the standards provided in Section 17.12.010(P) of the Zoning Ordinance. The proposed amendment would amend the standards in Section 17.12.010(P). The proposed amendment would also amend the off-street parking provisions for Short-Term Rentals in Chapter 17.60 of the Zoning Ordinance to provide internal consistency with the amended standards. Notably, the proposed amendments would increase the spacing standard between properties with Short-Term Rental from 200 feet to 500 feet.

Following public testimony, the Planning Commission also recommended the following additional amendments:

Amend the provisions of the NE Gateway Overlay Zone (Ordinance 4971) as follows: For those properties in the NE Gateway Overlay Zone that have underlying residential zoning, change the provisions for Short-Term Rentals to match those that apply to other residentially-zoned properties that aren't within the NE Gateway Overlay Zone. ***See attached map.***

This means that for properties with underlying residential zoning within the NE Gateway Overlay Zone (only present within Subarea 3), Short-Term Rentals would be listed as a permitted use subject to the same standards that apply to Short-Term Rentals in residential zones including spacing standards, rather than remaining listed as a Conditional Use subject to the Conditional Use Permit criteria.

See ***Attachments 1 and 2*** for the proposed amendments.



**McMinnville Zoning Ordinance
Draft Amendments for Short-Term Rentals,
January 19, 2023, revised March 9, 2023**

Chapter 17.12.

R-1 SINGLE-FAMILY RESIDENTIAL ZONING

17.12.010. Permitted Uses. In an R-1 zone, the following uses and their accessory uses are permitted:

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- O. Short term rental, subject to the provisions of Section 17.72.110 and the following standards:
1. Short term rentals shall not be located within 200-500 feet of another short term rental, or on the same property as another short term rental.
 2. Short term rentals shall be allowed in single dwellings, common-wall single dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a residence.
 3. That a minimum of one off-street parking space be provided for each guest-room/bedroom in the dwelling in which the short-term rental is located. Required off-street parking shall be provided on the same property as the short-term rental, not on a different property through a parking agreement.
 4. That signage is limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three (3) square feet of face area.
 5. That the duration of each guest's stay at the residence be limited to no more than 30 (thirty) consecutive days. The residence shall be subject to residential regulations when occupied or rented for more than 30 consecutive days.
 6. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997. A CO2 alarm must also be installed.
 7. That the property owner or owner's appointed agent shall live within the geographic area of the 97128 zip code or shall provide contact information of a person living within the geographic area of the 97128 zip code who and shall be available 24 hours a day, 7 days a week to respond immediately to any emergency or complaint related to the short term rental. Prior to commencing the use as a Short-Term Rental, the contact information for the property owner or owner's appointed agent shall be mailed to the property owners and street addresses of the adjacent properties, Yamhill Communication Agency (YCOM), and the McMinnville Community Development Department. Any change in the contact information for the property owner or owner's appointed agent shall also be mailed to the adjacent property owners and street addresses, YCOM, and the Community Development Department prior

- to the change. The mailing shall include the address and the Short-Term Rental permit number assigned by the Planning Department.
- ~~7-8.~~ Failure to immediately and appropriately respond to any emergency or complaint, when viewed from the perspective of a reasonable homeowner, may result in enforcement action and revocation of the permit.
- ~~8-9.~~ Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
- a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
 - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
10. All city and state taxes shall be remitted in a timely manner.
11. Prior to any advertising or operating the property for short-term rental use, the applicant shall register with the McMinnville Finance Department as a transient lodging provider. Local Transient Lodging Tax shall be collected and remitted to the City as provided in Chapter 5.10 of the McMinnville Municipal Code.
12. Any listing or advertisement for the Short-Term Rental Permit shall include the permit number assigned by the Planning Department.
13. Any offer for rent or operation of the dwelling for short-term rental use shall be limited to sleeping only in the bedrooms, except that a studio unit shall be subject to the same provisions as a 1-bedroom residence. Only a room with a built-in closet, window, and door shall be considered a bedroom.
14. In addition to any other remedies for enforcement, up to and including full cost recovery for enforcement action, any Short-Term Rental operating without a valid and current permit may be subject to a daily citation/penalty. Repeat violations may result in revocation of the permit and preclude the ability to apply for a new permit for 12 months from the date of written revocation of the permit.
- ~~9-15.~~ Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110 in effect at the time of application.
- ~~40-16.~~ Complaints on conditions 1 through 139 above will be reviewed by the Planning Commission at a public hearing. The Planning Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use. (Ord. 5104 §2, 2021; Ord. 5047 §2, 2018; Ord. 5040 §2, 2017; Ord. 4988 §1, 2015; Ord. 4984 §1, 2014; Ord. 4952 §1, 2012; Ord. 4912

§3, 2009; Ord. 4796 §1, 2003; Ord. 4564 §2, §3, 1994; Ord. 4534 §5(part), §7(part), 1993; Ord. 4499 §1, 1991; Ord. 4477 §1, 1990; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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Notes:

- 1. The list of permitted uses for the other zoning districts in which Short-Term Rentals are a permitted use reference this section and these standards.**
- 2. Chapter 17.60 of the Zoning Ordinance with the Parking Standards would be also updated consistent with the revised parking standard above.**

Chapter 17.60
OFF-STREET PARKING AND LOADING

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17.60.060 Spaces. Number required.

Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

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| 1. Bed and breakfast establishments | One space for the first two guest sleeping rooms and an additional space for each additional guest sleeping room. |
| 2. Fraternity, sorority, cooperative, or dormitory | One space per two sleeping accommodations. |
| 3. Multiple dwelling | One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons. |
| 4. Single detached | Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms. |
| 5. Short-Term Rental and Resident Occupied Short-Term Rental. | Short Term Rental = One space for each <u>guest room bedroom in the dwelling in which the short-term rental is located</u> ;
Resident Occupied Short-Term Rental = one space per two permitted guest rooms. |

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ORDINANCE 4971: NE GATEWAY PLANNED DEVELOPMENT OVERLAY

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Section 6 – Permitted and Conditionally Permitted Uses.

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Table 1

Use P – Permitted, C – Conditionally Permitted	Zone 1	Zone 2	Zone 3
<u>Residential</u>			
Single-Family	P ³	P ⁴	P – Only in R-2/R-4 zones
Social Relief Facility (up to 5 Individuals)	P	P	P
Two-Family	P	P	P ⁵
Multi-Family	P	P	P – Not permitted in R-2 zone
<u>Group Living</u>			
Assisted Living Facility/Nursing Home	C	C	C – Not permitted in R-2 zone
Social Relief Facility (six or more)	C	C	C
<u>Commercial</u>			
Animal Grooming	P	P	P – Not permitted in Res zones
Call Center/Centralized Office	P	P	P – Not permitted in Res zones
Club/Lodge	C	C	C – Not permitted in Res zones
Commercial Recreation Center	C	C	C – Not permitted in Res zones
Conference Center	C	C	C – Not permitted in Res zones
Daycare (up to 12 individuals)	P	P	P
Daycare (more than 12 individuals)	C	C	C
Financial Services	P	P	P – Not permitted in Res zones
Food and Beverage Establishment (non-drive-through)	P	P	P – Not permitted in Res zones
Laundry Services	P	P	P – Not permitted in Res zones
Lodging: Bed and Breakfast/Vacation Home Rental Short-Term Rental	P	P	P – CP in Res zones, <u>subject to STR standards of Res zone⁷</u>
Lodging: Hotel/Motel	P	P	P – Not permitted in Res zones
Office Medical/Professional	P	P	P – Not permitted in Res zones
Parking Lot (non-accessory to existing use)	P	P	P – Not permitted in Res zones
Parking Lot (public)	P	P	P – Not permitted in Res zones
Personal Services (including gym, spa, barber shop)	P	P	P – Not permitted in Res zones
<u>Resident-Occupied Short-Term Rental</u>	<u>P³</u>	<u>P⁴</u>	<u>P – P in Res zones, subject to ROSTR standards of Res zone⁸</u>
Retail Sales (General) up to 25,000 square feet on ground floor – non-auto	P	C	C – Not permitted in Res zones
Repair/Service (non-auto)	P	P	P – Not permitted in Res zones
Theater	P	P	P – Not permitted in Res zones
<u>Industrial</u>			
Food/Beverage Manufacturing	-	P	-
Industry, Light ⁶	-	P	-
<u>Civic</u>			
Church	C	-	C
College/University	C	C	C
Cultural Exhibit Center and Library	P	P	C
Government Building	C	C	C
School – Public or Private	C	C	C

ORDINANCE 4971: NE GATEWAY PLANNED DEVELOPMENT OVERLAY

<u>Mixed-Use</u>			
Artist Live/Work Space	P	P	P
Artist Live/Work Space with Retail Component	P	P	P – Not permitted in Res zones
Food/Beverage Manufacturing with a Retail Component	P	P	P – Not permitted in Res zones
Commercial/Residential with a Residential Component Above	P	P	P – Not permitted in Res zones
Light Industrial with a Residential Component Above	-	P	-
Light Industrial with a Retail Component	-	P	-
<u>Expansion of a Non-Conforming Use</u>	-	-	-

³ Permitted as a mixed-use above first floor commercial

⁴ Permitted as a mixed-use above first floor commercial

⁵ R-2 Standards in Chapter 17.15 apply to two-family in Zone 3

⁶ Manufacturing of goods carried out without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit.

⁷ Short-Term Rentals are permitted in Residential zones subject to the standards for Short-Term Rentals that apply in the underlying residential zone, see Section 17.12.010(P) of the Zoning Ordinance.

⁸ Resident-Occupied Short-Term Rentals are permitted in Residential zones subject to the standards for Resident-Occupied Short-Term Rentals that apply in the underlying residential zone, see Section 17.12.010(O) of the Zoning Ordinance.
