

**CITY OF SILVERTON**  
**ORDINANCE**  
**21-04**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING AN AMENDMENT TO SILVERTON MUNICIPAL CODE; TITLE 18, DEVELOPMENT CODE AND ZONING MAP (DC-21-01) TO ALLOW A DUPLEX ON ANY LOT A SINGLE FAMILY HOME IS PERMITTED AND UPDATE THE ACCESSORY DWELLING UNIT STANDARDS TO COMPLY WITH HB 2001 AND DECLARING AN EMERGENCY**

**WHEREAS**, in 2019, the Oregon Legislature passed House Bill 2001, a bill that requires updates to local zoning codes to allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings; and

**WHEREAS**, the Department of Land Conservation and Development provided technical assistance via a consultant to update the land use regulations to be compliant with HB 2001; and

**WHEREAS**, the consultants met with the Planning Commission on November 24, 2020, December 22, 2020, February 23, 2021, and March 30, 2021 to work through the updates. Two virtual Open Houses were held on January 14, 2021 and April 1, 2021 that included online surveys; and

**WHEREAS**, the Planning Commission held a public hearing at the May 11, 2021 meeting to accept testimony regarding the code language and reviewed the proposed text amendment to Title 18, Development Code and Zoning Map; and

**WHEREAS**, following public testimony, the Planning Commission deliberated and voted to recommend the City Council approve the proposed Development Code amendment; and

**WHEREAS**, after proper legal notice, a Public Hearing before the City Council was held on June 7, 2021 to consider the Development Code Amendment application, DC-21-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission.

**NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

Section 1: Section 1.5.300 of the Silverton Development Code is amended to read as follows:

~~“Manufactured home/dwelling” includes residential trailers, mobile homes, and manufactured homes. See also Residential Structure Types.~~

Manufactured dwelling. See Residential Structure Types.

Manufactured home. See Residential Structure Types.

## Residential Structure Types.

- “Accessory dwelling unit” means a second dwelling unit created on lot with a single-family house, attached house, or manufactured home outside of a manufactured home/dwelling park. The second unit is created auxiliary to, and is always smaller than, the single-family house, attached house, or manufactured home.

- “Duplex” means ~~a building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling~~ two primary dwelling units on a lot in any attached or detached configuration. This definition does not include a single-family house, attached house or manufactured home developed with an accessory dwelling unit.

- “Manufactured dwelling” means a residential trailer, mobile home or manufactured home. Manufactured dwelling does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code or the Small Home Specialty Code.

- “Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction, that was constructed after June 15, 1976.

- “Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

- “Residential trailer” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

- ~~“Mobile home” means a dwelling unit constructed off of the site and that is not constructed to the standards of the Uniform Building Code. Mobile homes include residential trailers and manufactured homes.~~

- ~~“Manufactured home” means a mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.~~

- ~~“Residential trailer” means a mobile home that was not constructed in~~

~~accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976. This definition includes the state definitions of “residential trailers” and “mobile houses,” as stated in ORS Chapter 446.~~

- “Multidwelling development” means a grouping of individual structures where each structure contains one or more dwelling units and that includes three or more total dwelling units. The land underneath the structures is not divided into separate lots. A multidwelling development project may include an existing single-dwelling detached building with one or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either one or more single-dwelling houses behind or one or more duplex units or multidwelling structures behind. There is no requirement for the structures on the sites to be attached.

Section 2: Section 2.2.100.B of the Silverton Development Code is amended to read as follows:

B. Applicability. The land use districts shall be applied consistently with the policies and land use designations of the city of Silverton comprehensive plan text and map. Where the comprehensive plan allows for the possible application of more than one land use district (i.e., at the time of annexation or any proposed rezoning), the districts shall be applied appropriately based on the following criteria and consistent with the amendment procedures in Chapter 4.7 SDC. Densities may be transferred or adjusted through the planned development approval process under Chapter 4.5 SDC, provided the overall density on the site conforms with the density range allowed per the comprehensive plan designation. The purpose of this is to provide for exceptional development designs that conserve open spaces and meet other community planning objectives.

1. The single-family residential (R-1) zone is one of the land use districts that implements the single-family residential comprehensive plan land use designation. It is intended primarily for household and group living at densities generally ranging from two dwellings per acre to not more than six dwellings per acre. Hillside properties zoned R-1 shall also be subject to the hillside protection overlay zone provisions under Chapter 2.6 SDC.

2. The low density residential (R-5) zone is one of the land use districts that implements the single-family residential comprehensive plan land use designation. It is intended to accommodate a variety of household and group living uses, including attached and detached dwellings, on small and medium-size lots, at densities generally ranging from five dwellings per acre to not more than 10 dwellings per acre. The R-5 district is an appropriate transition between R-1 zoning and higher density residential or commercial districts.

3. The multiple-family residential (RM-10) zone is one of the districts that implements the multifamily comprehensive plan land use designation. It is intended to accommodate a variety of household and group living uses, including multiple-family, attached single-family and small-lot detached dwellings, at densities generally ranging from 10 dwellings per acre to not more than 20 dwellings per acre. The RM-10 district is an appropriate transition between R zoning and higher density residential or commercial districts.

4. The multiple-family residential (RM-20) zone is one of the zones that is intended to accommodate household and group living uses, including multifamily and attached single-family dwellings, at densities generally ranging from 20 dwellings per acre to not more than 32 dwellings per acre. The RM-20 district provides for a variety of higher density residential living options.

5. The acreage residential (AR) zone is intended to provide appropriate regulations governing the division and development of lands designated acreage residential in the comprehensive plan. These are properties which prior to being annexed to the city may have been developed consistent with Marion County’s rural regulations. The district allows the continued use of existing rural residential developments provided they do not exceed the environmental and public service capabilities of the area. It also recognizes that properties designated AR are in transition from rural to urban uses. Certain uses, such as farming, that may not be permitted on other lands within the city limits may otherwise be allowed on AR lands. It is not intended to be an alternative zoning designation for lands that are already designated to accommodate future urban development at higher densities.

Section 3: Table 2.2.110.A in Section 2.2.110 of the Silverton Development Code is amended to read as follows:

Uses	Status of Use in District			
	Single-Family Residential (R-1)	Low Density Residential (R-5)	Multiple-Family Residential (RM-10)	Multiple-Family Residential (RM-20)
<b>Use Categories</b> (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)				
<b>Residential Categories</b>				
<i>Household Living</i>				
Single-family <u>detached</u> (not attached; does not include cottage cluster developments)	P	P	P	P
Accessory dwelling, per SDC 2.2.200	S	S	S	S
Duplex ( <u>2 dwellings sharing a common wall on 1 lot</u> ), per SDC 2.2.200	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
-1 duplex: corner lot	S or CU	P	P	P
-1 duplex: interior noncorner lot	S or CU	P	P	P
More than 1 duplex (4+ units) consecutively attached, <u>per SDC 2.2.200</u>	N	DR	DR	DR

**Section 4:** Table 2.2.110.B in Section 2.2.110 of the Silverton Development Code is amended to read as follows:

Uses	Status of Use
<b>Use Categories</b> (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	
<b>Residential Categories</b>	
<i>Household Living</i>	
Single-family <del>detached</del> (not attached; does not include cottage cluster developments)	P
Accessory dwelling, per SDC 2.2.200	P
Duplex (2 dwellings <del>sharing a common wall</del> on 1 lot), per SDC 2.2.200	N

**Section 5:** Table 2.2.120.A in Section 2.2.120 of the Silverton Development Code is amended to read as follows:

Standard	R-1	R-5	RM-10	RM-20
<b>Density* (DU/acre) – Min. and Max.</b>	2 – 6 DU/acre, subject to dev. Standards	5 – 10 DU/acre, subject to dev. Standards	10 – 20 DU/acre, subject to dev. Standards	20 – 32 DU/acre, subject to dev. Standards
<i>*See also SDC 2.2.150, Residential districts – Housing density.</i>				
<b>Minimum Lot Area* (square feet)</b>				
Single-family <del>detached or duplex, not attached,</del> where vehicle access provided from street	7,000 sq. ft. interior 8,000 sq. ft. corner	5,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Single-family <del>detached or duplex, not attached,</del> where vehicle access provided from alley	6,000 sq. ft. interior 7,000 sq. ft. corner	4,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.
Single-family, attached, where vehicle access provided from street	Not permitted	5,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Single-family, attached, where vehicle access provided from alley	Not permitted	4,000 sq. ft.	2,200 sq. ft.	1,600 sq. ft.
Duplex	<del>7,000 sq. ft. interior 8,000 sq. ft. corner</del>	<del>7,000 sq. ft.</del>	<del>6,000 sq. ft.</del>	<del>5,000 sq. ft.</del>
Multiple-family or cottage cluster	Not permitted	2,000 sq. ft. per dwelling unit	2,000 sq. ft. per dwelling unit	1,200 sq. ft. per dwelling unit
Nonresidential uses, except tracts for open space and utilities	7,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
<i>*Lot area is subject to min. and max. density. Sizes may be reduced by 10 percent through lot size averaging, per SDC 4.3.115, Land divisions, or SDC 4.5.130, Planned development. Does not apply to open space and parks.</i>				
<b>Minimum Lot Width*</b>				
Where vehicle access to be provided from street or flag lot	50 ft.	50 ft.	40 ft.	40 ft.
Where vehicle access to be provided from alley	50 ft.	40 ft.	20 ft.	16 ft.
<i>*Width is measured at the front setback line. For flag lots, width is measured at the front setback line on the “flag” portion of the lot. The minimum width on the “pole” portion of such lots is 20 feet. See also SDC 4.3.115, Flexible lot size – Lots without street frontage – Flag lots – Minisubdivisions. All applicable setbacks, lot area, coverage and other standards must be met.</i>				

Standard	R-1	R-5	RM-10	RM-20
<b>Minimum Lot Depth</b>	60 ft.	60 ft.	60 ft.	60 ft.
<b>Maximum Building Stories</b>	2.5	2.5	3.0	3.0
<b>Building/Structure Height</b>				
See also: SDC 2.2.130, Residential districts – Setback yards – Exceptions, reverse frontage lots and flag lots; SDC 2.2.200(A), Accessory Dwellings (Attached, Separate Cottage, or Above Detached Garage); SDC 3.1.200(N), Vision Clearance; SDC 3.2.500, Fences and walls.				
Standard maximum height	35 ft.	35 ft.	35 ft.	35 ft.
Accessory structure <u>and accessory dwelling</u> height	22 ft.	22 ft.	22 ft.	22 ft.
Interior lot: fences, hedges, retaining/garden walls*				
Max. height – Front yard	42 inches	42 inches	42 inches	42 inches
Max. height – Interior side	6 ft.	6 ft.	6 ft.	6 ft.
Max. height – Rear yard	6 ft.	6 ft.	6 ft.	6 ft.
Max. height – Reverse frontage lot (rear)	42 inches, or 6 ft. with 5 ft. landscape buffer between fence/wall and sidewalk	42 inches, or 6 ft. with 5 ft. landscape buffer between fence/wall and sidewalk	42 inches, or 6 ft. with 5 ft. landscape buffer between fence/wall and sidewalk	42 inches, or 6 ft. with 5 ft. landscape buffer between fence/wall and sidewalk
Corner lot: fences, retaining/garden walls				
Max. height – Front yard within 50 ft. of through-curb intersection	42 inches *see Figure 3.2.500	42 inches *see Figure 3.2.500	42 inches *see Figure 3.2.500	42 inches *see Figure 3.2.500
Max. height – Front yard outside 50 ft. of through-curb intersection, at least 5 ft. from property line	6 ft	6 ft	6 ft	6 ft
Max. height – Side yard	6 ft	6 ft	6 ft	6 ft
Max. height – Rear yard	6 ft	6 ft	6 ft	6 ft
Alley	6 ft.	6 ft.	6 ft.	6 ft.
*Retaining walls taller than 4 feet and fences taller than 6 feet require a building permit.				
<b>1. Basic lot coverage standards</b> Lot coverage by buildings and structures exceeding 30 inches above grade (foundation plane divided by lot area)	50%	50%	65%	75%
<b>2. Lot coverage bonus</b>	Allowable lot coverage may increase when driveways, rooftops, and/or parking surfaces are designed with approved green building methods such as vegetated swales, stormwater planter boxes, rooftop gardens, or porous paving materials approved through design review. Lot coverage may increase by a ratio of one-half (0.5) square foot for every one square foot of city-approved green building area.			
<b>Minimum landscape area (percent site area), as required under Chapter 3.2 SDC</b> Additional usable open space area may be required for multifamily projects, per SDC 2.2.200.	All areas not covered by structures and pavement; not less than 10 percent of site	All areas not covered by structures and pavement; not less than 12 percent of site	All areas not covered by structures and pavement; not less than 10 percent of site	All areas not covered by structures and pavement; not less than 8 percent of site
<b>Minimum Setbacks (feet):</b>  See also: SDC 2.2.130, Residential districts – Setback yards – Exceptions, reverse frontage lots and flag lots; SDC 3.1.200(N), Vision Clearance; and SDC 3.2.500, Fences and Walls.  <b>Front/Street Setback</b>				

<b>Standard</b>	<b>R-1</b>	<b>R-5</b>	<b>RM-10</b>	<b>RM-20</b>
Primary structure	15 ft.			
Garages and carport entries	20 ft.			
Accessory structure <u>and accessory dwelling</u>	20 ft.			
Front porch, balcony, portico, patio/garden wall and similar architectural elements that are less than 50 percent enclosed	12 ft. from right-of-way line, provided the structure does not conflict with vision clearance at intersections, utilities or easements			
Note: Other standards may preclude building at a minimum setback. Be sure to avoid utilities, easements, and clear vision areas. See also special setback for planned street improvements under Chapter 3.4 SDC.				
<b>Side Setbacks</b>				
One-story structures	5 ft.			
Two-story structures	7 ft.			
Three-story structures	9 ft.			
Accessory structure <u>and accessory dwelling</u>	5 ft.			
<b>Exceptions:</b>				
Alley minimum setback	5 ft.			
Common walls when allowed	0 ft.			
<b>Rear Setbacks</b>				
One-story structure	20 ft.			
Two-story structures	20 ft.			
Three-story structures	20 ft.			
Accessory structures <u>and accessory dwellings</u>	5 ft.			
Porches, decks and similar structures	May encroach into rear yard setback 10 ft.			
<b>Exceptions:</b>				
Alley minimum setback	5 ft.			
Common walls when allowed	0 ft.			
Special setback for planned street improvements in residential districts	The city may require a minimum setback of up to 50 feet measured from the street center line to any structure, when a structure abuts a street containing less than the standard right-of-way for the subject street classification. Street classification and required right-of-way width are as indicated by the city of Silverton transportation system plan.			
Special setbacks for accessory structures less than 200 square feet on corner lots	10 feet from street property lines and five feet from rear property lines, at least 50 feet from through curb intersection, outside of any vision clearance area.			
Note: Other standards may preclude building at a minimum setback. Be sure to avoid utilities, easements, and clear vision areas. See also special setback for planned street improvements under Chapter 3.4 SDC.				

**Section 6:** Section 2.2.150.A of the Silverton Development Code is amended to read as follows:

A. Residential Density Standard. To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the comprehensive plan, all new developments in the residential districts shall

conform to the minimum and maximum densities prescribed in Table 2.2.120, except as provided in subsections (A)(1) through (3) of this section:

1. Residential care homes/facilities/institutions, senior housing, including assisted living, accessory dwellings, and developments in areas with significant natural resources or physical constraints (e.g., wetlands, unstable soils, steep slopes, etc.) are exempt from the minimum density standard.

2. The density standards may be averaged over more than one development phase when approved through a planned development. ~~Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat and through deed restrictions on the subject lots.~~

3. Accessory dwellings are exempt from the density standards. Duplexes shall be counted as one dwelling unit for the purpose of determining compliance with maximum density standards. Duplexes may be counted as one or two dwelling units for the purpose of determining compliance with minimum density standards.

~~4.3.~~ Partitions and construction of single-family homes on lots exceeding 20,000 square feet, except within the hillside protection overlay district, shall be planned so that infill development can occur in the future and such development can occur in accordance with other adopted plans (e.g., the city of Silverton transportation system plan) and the minimum lot size and other dimensional standards of the district. See also SDC 4.3.110(C), Future Redivision Plan. Densities may be transferred or adjusted through the planned development approval process under Chapter 4.5 SDC, to provide for exceptional development designs that conserve open spaces and meet other community planning objectives.

#### B. Residential Density Calculation.

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density range. Properties must be developed within the minimum and maximum range. Some properties may not be capable of accommodating development at maximum densities. Properties that cannot meet maximum density standards may consider transferring density and modifying allowable lot sizes and/or housing types through a planned development process. Typical constraints include street right-of-way requirements, parcel configuration, or the presence of natural features or physical constraints.

2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum lot area.

3. Duplexes shall be counted as one dwelling unit for the purpose of determining compliance with maximum density standards. Duplexes may be counted as one or two dwelling units for the purpose of determining compliance with minimum density standards.



~~4.3.~~ Housing density calculations resulting in fractions of dwelling units shall be rounded to the nearest whole number.

Section 7: Section 2.2.180.C.2 of the Silverton Development Code is amended to read as follows:

2. Except as allowed for single-family detached dwellings and duplexes, or as provided below, off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection (C)(1) of this section and Figure 2.2.180.C(1). Off-street parking and driveways may be placed between buildings and streets where the approval body finds that one of the following exemptions in subsections (C)(2)(a) through (e) of this section applies and allowing the exemption will not adversely affect pedestrian access, safety or convenience:

Section 8: Section 2.2.190.B of the Silverton Development Code is amended to read as follows:

B. Applicability. This section applies to all new primary residential structures and accessory dwellings. It does not apply to remodels of, or additions to, existing single-family dwellings including conversion of an existing single-family dwelling into a duplex, existing accessory dwellings, existing duplexes, or designated historic structures. The standards and criteria in this section are applied through the land use review or design review procedure (Chapter 4.2 SDC), as applicable, prior to building permit review. The provisions under subsection (C) of this section may be adjusted through the design performance option in SDC 4.2.510.

Section 9: Section 2.2.190.C.4 of the Silverton Development Code is amended to read as follows:

~~4. Repealed by Ord. 14-01. Garage. An attached or detached garage or carport with capacity for the minimum required parking required by SDC Table 3.3.300.A shall be required for all new single-family homes and duplexes.~~

Section 10: Section 2.2.200 of the Silverton Development Code is amended to read as follows:

This section provides standards for specific land uses and building types, as identified in Table 2.2.110.A, that control the scale and compatibility of those uses within the residential districts. The standards in this section supplement (are in addition to and do not replace) the standards in SDC 2.2.100 through 2.2.190, and applicable building codes. This section applies to the following uses and building types, as specified in subsections (A) through (K) of this

section:

- Accessory dwellings (subsection (A) of this section);
- Attached single-family (townhouses) and attached duplexes (subsection (B) of this section);
- ~~Duplex in R-1 district (subsection (C) of this section);~~
- Bed and breakfast inns (subsection (D) of this section);
- Cottage cluster (subsection (E) of this section);
- Group living (residential care homes and facilities) (subsection (F) of this section);
- Home occupations (subsection (G) of this section);
- Manufactured homes on individual lots (subsection (H) of this section);
- Manufactured/mobile home parks (subsection (I) of this section);
- Multiple-family housing (subsection (J) of this section);
- Renewable energy facilities (subsection (K) of this section).

Section 11: Section 2.2.200.A of the Silverton Development Code is amended to read as follows:

A. Accessory Dwelling (Attached, Interior, Separate Cottage, or Above Detached Garage). Accessory dwellings shall conform to all of the following standards:

1. Floor Area. Accessory dwellings shall not exceed 800 square feet of floor area ~~if detached from the primary dwelling, or 60/40~~ percent of the primary unit, whichever is less. ~~The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house;~~
2. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the residential districts, ~~due to their small size and low occupancy levels;~~
3. ~~Oregon Structural Specialty Code.~~ Structure Types. The structure complies with the Oregon Structural Specialty Code applicable state building code, or is a manufactured home meeting the standards of subsections (H)(2), (3), (5), (6), (7) and (8) of this section;
4. ~~Owner Occupied.~~ The primary residence or accessory dwelling shall be owner occupied. Alternatively, the owner may appoint a member of his or her immediate family as a resident caretaker of one of the units and manager

of the other unit;

4. 5.-One Unit. A maximum of one accessory dwelling unit is allowed per lot; detached single-family house, attached house or manufactured home outside of a manufactured home park. A lot may be developed as either a primary dwelling and an accessory dwelling unit, or as a duplex, so long as the total number of dwelling units does not exceed two.

5. 6.-Development Standards. The dwelling shall conform to the lot standards in Table 2.2.120., except as modified below:

a. ~~The height of a detached accessory dwelling (i.e., separate cottage) shall not exceed 22 feet, unless permitted under the conditional use approval process~~

b. ~~The dwelling shall be set back not less than 20 feet from the front property line, seven feet from side property lines, and 20 feet from the rear property line. When the dwelling is accessed from an alley, the rear yard setback may be reduced to five feet.~~

c. ~~The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling, unless the applicant and the owner of the abutting single-family dwelling agree in writing not to install the hedge or fence.~~

d. ~~In order to maintain a consistent architectural character, similar building materials, architectural design and colors shall be used so that the accessory dwelling blends with the general appearance of the primary dwelling.~~

e. ~~A parcel containing a primary dwelling unit and an accessory dwelling shall provide a minimum of two off-street parking spaces.~~

6. Design Standards. The dwelling shall conform to the architectural design standards of SDC 2.2.190.

Section 12: Section 2.2.200.C of the Silverton Development Code is deleted as follows:

C. Duplex in R-1 District. Duplexes are allowed in the R-1 district, subject to the following standards which are intended to respect the single-family character of the R-1 district:

1. Floor Area. Total floor area for both dwellings shall not exceed 40 percent of lot area. For example, the maximum floor area (excluding garage space) allowed on an 8,000-square-foot lot is 3,200-square feet.

2. Driveway Access. On corner lots, each dwelling shall strive to have its primary entrance and garage opening, if any, oriented to a different street,

~~meeting public works intersection distance standards. Where vehicular access cannot be taken from two different streets, the approval body may require a shared driveway providing access to both dwellings. On interior lots, shared driveways are preferred and may be required by the review body.~~

~~3. Maximum Number of Units. Up to 20 percent of new lots created in new subdivisions are permitted for duplex use and shall be identified as duplex lots on the final plat, with any percent larger than 20 percent requiring conditional use approval. Duplexes are permitted on one new lot in new partitions and shall be identified as a duplex lot on the final plat.~~

~~Duplexes may be permitted on an existing lot of record with approval of a conditional use application.~~

Section 13: Section 2.2.200.H of the Silverton Development Code is amended to read as follows:

H. Manufactured Homes on Individual Lots. Manufactured homes are permitted on individual lots as single-family houses or duplexes, subject to all of the following design standards. Exception: The following standards do not apply to units that were lawfully placed within the city prior to the effective date of the ordinance codified in this code.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;

2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);

3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

4. Garages and Carports. A garage or carport shall be provided and be constructed of materials like those used on the house;

5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets current energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;

6. Placement. The manufactured home shall be placed on an excavated and

back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, unless greater height is required as a result of the floodplain overlay provisions (Chapter 2.5 SDC) and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with a decay-resistant material;

8. Prohibited. The manufactured home shall not be located in a designated historic district.

9. Design Standards. The manufactured home shall conform to the architectural design standards of SDC 2.2.190.

Section 14: Table 2.6.140 of Section 2.6.140.A of the Silverton Development Code is amended to read as follows:

Average Slope	Minimum Lot Size per Dwelling Unit	Minimum Lot Frontage	Minimum Lot Depth
12 – 14.9%	10,000 sq. ft.	80 feet	100 feet
15 – 24.9%	12,000 sq. ft.	85 feet	100 feet
25 – 29.9%	15,000 sq. ft.	90 feet	100 feet
30 – 34%	20,000 sq. ft.	100 feet	100 feet

Section 15: Section 2.6.150.A.2 of the Silverton Development Code is amended to read as follows:

2. Building envelopes and lot design shall address the retention of the following percentage of the lot in landscaping or in a natural state:

Average Slope	Minimum Lot Size per Dwelling Unit	Maximum Lot Coverage (Impervious Surface)
12 – 14.9%	10,000 sq. ft.	35%
15 – 24.9%	12,000 sq. ft.	35%
25 – 29.9%	15,000 sq. ft.	30%
30 – 34%	20,000 sq. ft.	25%

Section 16: Section 2.6.180.B of the Silverton Development Code is amended to read as follows:

B. Time Period. For development other than single-family homes or duplexes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1st to October 31st. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31st. Up to a 30-day modification to the October 31st date and a 45-day modification to the May 1st date may be made by the community development director, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

Section 17: Section 2.6.230.B.1 of the Silverton Development Code is amended to read as follows:

1. Detached Dwelling Units and Duplexes. Two additional off-street parking spaces.

Section 18: Section 3.1.200.K.3 of the Silverton Development Code is amended to read as follows:

3. Driveways. Driveways shall meet the following standards, subject to review and approval by the public works director:

a. Single-Family Dwelling and Duplex Driveways.

i. Maximum width of 12 feet per off-street parking space, up to a maximum of 32 feet for three or more off-street parking spaces.

ii. Recreational vehicle pads must be located within the side yard or rear yard to qualify for additional driveway width as an off-street parking space.

iii. No more than two driveways allowed per lot, with each driveway conforming to the requirements in subsection (K)(1) of this section. Duplexes on a corner lot fronting two local streets are encouraged to provide one driveway per frontage.

iv. Combined driveways with abutting properties shall not exceed 40 feet in width.

v. Separate driveways on the same lot must be spaced at least ~~six~~ 22 feet apart.

b. Multiple-Family and Attached Dwelling Driveways.

- i. Each multiple-family unit having separate vehicle access and fronting a different street shall be treated as a single-family dwelling, except that no more than one driveway per unit is allowed.
- ii. Triplexes and fourplexes with off-street parking spaces fronting onto a street shall meet the standards of SDC 2.2.180.
- iii. Driveways serving multiple-family units with combined access onto a street shall not exceed a width of 32 feet for a single driveway, except where the public works director determines that the width shall be limited to 24 feet, such as in the case of a multifamily development with 10 or fewer dwellings.

Section 19: Table 3.3.300.A of Section 3.3.300.A of the Silverton Development Code is amended to read as follows:

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
<b>Residential Categories</b>	
<i>Household Living</i>	
Accessory dwelling	<del>None, when the primary single-family dwelling provides 2 spaces and there is on-street parking. If no on-street parking is available then 1 additional space must be provided.</del>
Single-family dwelling, including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit provided on-street parking is available. If on-street parking is not available, then each unit must provide 3 spaces.
Duplex	<del>3 spaces per duplex</del> <u>1 space per dwelling unit (2 per duplex)</u>

Section 20: Section 3.3.300.E of the Silverton Development Code is amended to read as follows:

E. Off-Site Parking. Except for single-family dwellings and duplexes, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the city has approved the off-site parking through land use review or design review, as applicable. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

Section 21: Section 3.4.300.A of the Silverton Development Code is amended to read as follows:

A. Sanitary Sewer, Storm Drainage and Water System Improvements. Sanitary sewer system and water system improvements shall be installed with new

development in accordance with the city's sanitary sewer master plan, water system master plan, and public works design standards. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except where the public works director finds that future extension is not practical due to topography or other constraints. Where public sanitary sewer or water service is not available within 300 feet of a property, private wells and septic systems may provide service for the development of a single-family dwelling, duplex dwelling, or use serving the public on parcels containing at least two acres; provided, that a petition for improvement/waiver of remonstrance is signed for their share of the costs for and future connection to public water and sewer services. These provisions are supplementary to the provisions in Chapters 13.12 and 13.36 SMC. Any private well or septic system allowed by this section must be approved by Marion County and the State Water Resources Department.

Section 22: Section 3.4.700.C of the Silverton Development Code is amended to read as follows:

C. Petition for Improvement/Waiver of Remonstrance. Existing single-family or duplex residential lots of record and lots created by a land partition may be developed, provided the lots are subject to a petition for improvement/waiver of remonstrance for a future assessment district for the lacking public facilities as determined and approved by the public works director in consultation with the Silverton fire district.

Section 23: Section 4.2.200.A.5 of the Silverton Development Code is amended to read as follows:

5. Accessory dwelling, accessory structures (not exceeding 800 square feet of floor area) and parking facilities when accessory to a primary permitted use;

Section 24: Section 5.2.300.A of the Silverton Development Code is amended to read as follows:

A. Alterations. No such nonconforming development may be enlarged or altered in a way that increases its nonconformity by more than 20 percent cumulatively (e.g., floor area and/or lot coverage and/or height and/or amount of measurable impact as in noise, glare, vibration) as of November 5, 2008, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this code or will decrease its nonconformity. An existing nonconforming single-family dwelling development may be converted to a duplex subject to the standards of this subsection.



Section 24: Section 5.3.200 of the Silverton Development Code is amended to read as follows:

A lot of record is a plot of land that was not created through an approved subdivision or partition, was created and recorded before January 6, 1960, and for which the deed, or other instrument dividing the land, is recorded with the county. A lot of record shall be entitled to development of no less than one single-family dwelling or duplex and, provided all applicable code standards are met, additional land use or development may be approved.

Section 25: A full copy of all text amendments and findings of fact can be found in file DC-21-01, located in the Community Development Department at City Hall.


Section 26: The general welfare of the public will be promoted if this ordinance takes effect immediately in order to comport with a state law enactment date. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

Ordinance adopted by the City Council of the City of Silverton, this 21<sup>st</sup> day of June, 2021.



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Mayor, City of Silverton  
Kyle Palmer

ATTEST:



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City Manager/Recorder, City of Silverton  
Ronald F. Chandler