

REVISIONS NECESSARY AS A RESULT OF HOUSE BILL 3395

The following code changes would make two small revisions to the matrices in Independence Development Code Subchapters 17 and 30 to help the City of Independence meet the requirements of HB 3395 (passed in 2023).

The changes would:

- Add a footnote related to single-residential occupancies to address Section 17 of the bill.
- Add a new use in the commercial zones for “residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income.”

The Independence Planning Commission will hold a public hearing on the revisions at their meeting on February 5th.

SUBCHAPTER 17: ALLOWED USES IN RESIDENTIAL ZONES

ALLOWED USES	ZONE			
	RS	RM	RH	MX
RESIDENTIAL USES				
Single-Family dwelling, with a floor area of not less than 1,000 square feet	P	P	P	P
Two-family dwelling (duplex)	P	P	P	P
Medium-density residential structure such as a townhouse or row houses, as part of a subdivision or planned unit development	P ¹	P	P	P
Triplex or Quadplex			P	P ²
Multi-family buildings, including apartment houses, courtyard apartments and garden apartments			P	P
Dwelling, quad or quint		CU	P	CU
Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61		CU	CU	
The taking of boarders or renting of rooms by a resident family, provided that that the total number of boarders and roomers does not exceed two in any single-family dwelling or exceed four in any duplex	P	P		
Rooming house ³	CU	CU	P	CU
Boarding house ³	CU	CU	P	CU
Dormitory			P	
Fraternity, sorority, or student house			P	
Residential home, as defined by this ordinance	P	P	P	

Residential facility, as defined in this ordinance	CU	P	P	
Nursing home			P	
Planned unit development	CU	CU	CU	CU
Parking area or structure for a multi-family dwelling		P	P	
Accessory uses and structures ³⁴	P	P	P	P
PUBLIC/QUASI-PUBLIC USE				
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and sidewalks; including any project identified in the Transportation System Plan.	P	P	P	P
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include, but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power.	CU	CU	CU	CU
Church	CU	CU	CU	CU
Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members.	CU	CU	CU	CU
Garden, orchard, or crop cultivation provided that only the occasional sale or trading of plants and produce grown on the premises shall be permitted. No cattle, horses, other livestock, poultry, or farm animals may be maintained in this zone.	P	P	P	P
Playground or park.	P	P	P	P
School (elementary, junior high, high school).	CU	CU	CU	CU
LIMITED BUSINESS				
Child care facility, as defined by this ordinance, complying with ORS 657A.030 and 657A.250 to 657A.460.	P	P	P	P
Day-Care Home, as defined in this ordinance.		P	P	
Home occupation	P	P	P	P
Barber shop, provided that no assistants are employed.	CU	CU	CU	
Beauty shop, provided that no assistants are employed.	CU	CU	CU	
Bed and breakfast establishment.	CU	CU	P	CU
Medical Marijuana Grow Site.	P	P	P	
Office having a maximum floor area of 2,000 square feet or less				P ⁴⁵
Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less				P ⁴⁵

Notes:

P = Permitted use; CU = Conditional Use

1. Allowance is limited to a maximum of two attached townhouse or rowhouse units.
2. Permitted without a subsequent Site Design Review so long as the lot for the triplex or quadplex was identified, reviewed, and approved by the Planning Commission at the time of the underlying subdivision application.

3. Notwithstanding anything to the contrary in this Chapter, the City will comply with Section 17 of HB 3395 (2023) in all residential zones. Such uses must meet the parking requirements for Rooming and Boarding Houses in IDC 73.

34. Accessory uses allowed in residential zones include:

- a. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
- b. Private garage, as defined in this ordinance;
- c. Parking area for one commercial vehicle having a gross vehicle weight less than 20,000 pounds;
- d. Parking or storage area for a boat, camper, trailer, or recreational vehicle of the residents;
- e. Swimming pool for private use;
- f. Guest house or quarters not in the main building, when such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and are not used for residential purposes;
- g. Accessory dwelling units

45. If sought, subject to Neighborhood Commercial Overlay provisions in Subchapter 47.

SUBCHAPTER 30: ALLOWED USES IN COMMERCIAL ZONES

ALLOWED USES	ZONE	
	MUPC	DRZ
COMMERCIAL USES		
A commercial activity involving retail sales and service and which is not listed as a conditional or prohibited use	P	P
A commercial activity involving personal or professional services and which is not listed as a conditional or prohibited use	P	P
Office	P	P
Hotel or Lodging Use	P	P
Bed and breakfast establishment, including Air BnB, VRBO, and other similar uses	P	
Recreational vehicle park	CU ¹	
Campground	CU ¹	
Vehicle Servicing/Repair	CU ¹	
Hospital	CU	CU
Veterinary clinic	CU	CU
Kennel	CU ¹	
Crematory	CU ¹	
Medical Marijuana Dispensary, subject to the special use limitations in the underlying zone	P	P
Recreational Marijuana Retailer, subject to the special use limitations in the underlying zone	P	P
Marijuana Research Facility, subject to the special use limitations in the underlying zone	P	P
Marijuana Testing Laboratory; subject to the special use limitations in the underlying zone	P	P
Transmitter station, towers, relay stations and similar facilities for electronic communications	CU	CU
MANUFACTURING/INDUSTRIAL USES	MUPC	DRZ
Light industrial uses	P	
Freight forwarding facility	CU ¹	
Small scale manufacturing and production, including jewelry, candy, wine, beer, spirits, or other similar artisan products, less than 5,000 square feet, where at least 25% of the manufacturing area is dedicated to retail sales		P
PUBLIC/QUASI-PUBLIC USES	MUPC	DRZ
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and	P	P

sidewalks including any project identified in the Transportation System Plan.		
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power	CU	CU
Church	CU	CU
Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members	CU	CU
Playground or park	P	P
Child Care Facility	P ²	P ²
School (elementary, junior high, senior high)	CU	CU
Trade or commercial school	CU	CU
Bus terminal or depot	CU	
Heliport	CU ¹	
RESIDENTIAL USES³		
New single-family dwelling, with a floor area of not less than 1,000 square feet	<u>P^{3,4,5,6}</u>	
Existing single-family dwelling, with a floor area of not less than 1,000 square feet	<u>P^{4,5,6}</u>	
Duplex	<u>P^{3,4,5,6}</u>	
Attached single family residential dwellings (townhomes, rowhouses)	<u>P^{3,4,5,6}</u>	P
Live/work unit	P	P
Residential use on the second or third-story of a commercial building.	P	P
Triplex or Quadplex	<u>P^{3,4,5,6}</u>	P
Multiple-family residential dwellings, all floors		P
<u>Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income</u>	<u>P</u>	<u>P</u>
Residential home, as defined in this ordinance	P	P
Accessory uses to multiple-family or lodging uses such as clubhouses, open roof coverings, decks or patios for gatherings, outdoor pools or spas, or outdoor activity space.	P	P

Notes:

1. This use is allowed within the MUPC Zone as a Conditional Use but is not allowed in the Downtown Overlay Zone.
2. This use is allowed so long as the activity is licensed through the State of Oregon.
3. Notwithstanding anything to the contrary in this Chapter, the City will comply with Section 17 of HB 3395 (2023) in all commercial zones allowing either a detached single-family residence or a

residential dwelling with five or more units. Such uses must meet the parking requirements for Rooming and Boarding Houses in IDC 73.

~~3.4.~~ Only permitted in the Mixed-Use Pedestrian Friendly Commercial-Transitional Zone.

~~4.5.~~ The accessory uses and structures allowed for residential uses in Subchapter 17 are allowed in the MUPC Zone.

~~5.6.~~ Single-family dwellings, duplexes, triplexes, quadplexes, and accessory structures for residential uses within the MUPC Zone are subject to the dimension requirements for the High-Density Residential (RH) zone found in Subchapter 18.