IN THE CITY COUNCIL
FOR THE CITY OF HOOD RIVER, OREGON

ORDINANCE NO. 2061

An Ordinance amending Hood River Municipal Code Title 17, Chapter 03; LAND USE ZONES and Chapter 25; MIDDLE HOUSING DEVELOPMENT STANDARDS

The Hood River City Council finds as follows:

WHEREAS, the Hood River Zoning Code is organized to implement provisions of the Comprehensive Plan and which periodically require amendments to address changes in statewide legislation, policy updates, and other clarifications for readability and clear administration; and

WHEREAS, in 2020 the City of Hood River initiated the development of a middle housing code with an applicable set of regulations and standards; and

WHEREAS, the code is intended to: support the City's Housing goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan Housing Needs Analysis; increase the variety of housing types available for households; provide opportunities for small, dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods; and

WHEREAS, the standards within this code are intended to cover the zoning development standards for middle housing under one unified chapter; and

WHEREAS, a draft of these regulations presented to the Council for review, and then Planning Commission for public hearing; became the basis for code amendments in accordance with HRMC 17.08.010 (Legislative Zone Changes and Plan Amendments); and

WHEREAS, the Department of Land Conservation and Development (DLCD) was notified of the proposed amendments on prior to public hearings before the Planning Commission. The Planning Commission hearing culminated on February 16th, 2021 with a recommendation to approve the proposed changes to Title 17 to the City Council; and

WHEREAS, at its March 08th, 2021 meeting City Council initiated public hearing at which time the Council heard the Planning Commission recommendation, accepted written and oral testimony and continued its hearing to March 15th to accept additional testimony, and again continued the hearing to March 29th where Council deliberated and voted to approve amendments to HRMC Title 17, Chapter 3 Land Use Zones, Chapter 25 Middle Housing Development Standards as set forth in Exhibit A; and

WHEREAS, Council has expressed interest in understanding the outcomes and impacts of the new regulations, and may periodically request reports relating to the production and development of middle housing units.

NOW, THEREFORE, based on the foregoing findings, which are incorporated herein by this reference, the Hood River City Council Ordains as follows:

Section 1 – Amendment. The Hood River Municipal Code Title 17 (Zoning) Chapter 3 Land Use Zones shall be amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2 – Amendment. The Hood River Municipal Code Title 17 (Zoning) Chapter 25 Middle Housing shall be amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3 – Savings Clause. In the event that a court of competent jurisdiction determines that any provision, clause, section, subsection or part thereof is unconstitutional or unlawful in any respect, that determination shall not affect the validity of all remaining provisions, clauses, sections, subsections or parts thereof, which shall remain in full force and effect.

Read for the First Time this April 12th, 2021.

Read for the Second Time and approved this ___ day of (date to be determined) 2021.

This Ordinance shall take effect on the 31st day following the second reading.

AYES:_____
NAYS:_____
ABSTAIN:_____
ABSENT:_____

_____
Kate McBride, Mayor

ATTEST:

_____
Jennifer Gray, City Recorder

Approved as to form:

_____
Daniel Kearns, City Attorney

MIDDLE HOUSING

Updates to the Hood River Municipal Zoning Code Title 17
April 5th, 2021 Hood River City Council

Amendments: Chapter 17.03 Section A. Permitted Use in R-1, R-2, R-3, and C-1 to amend the list of permitted uses to include, *Middle Housing Subject to Chapter 17.25.*

New: Chapter 17.25 -Middle Housing Development Standards
Legislative History: Ord. 2061 (2021);

Sections

17.25.010 Definitions

17.25.020 Purpose

17.25.030 Applicability

17.25.040 Relationship to Other Regulations

17.25.050 Exceptions and Variances

17.25.060 Land Division and Procedures

17.25.070 Development Standards

A. Required Site Area Per Unit by Zone

B. Allowed Building Types

C. Setback/Site Perimeter Buffer Yards

D. Frontage and Utilities

E. Parking

F. Access, Circulation, Driveways, and Approaches

G. Stormwater, Low Impact Development, Landscaping and Tree Preservation

H. Dwelling Unit Size Restrictions

I. Building Orientation and Separation

J. Building Height

K. Architecture Features

L. Permitted obstructions

M. Fences

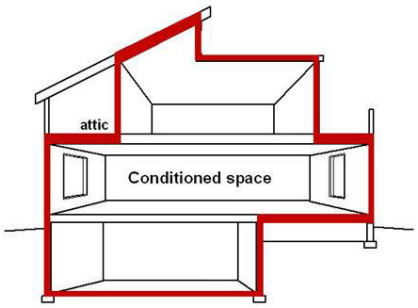
N. Accessory Buildings, Common Buildings, Existing Nonconforming Structures, Building Conversions

17.25.010 **Definitions** The following words and phrases shall have the meanings given them in this section and chapter.

BUILDING HEIGHT: Building height shall be measured from average finished grade to the ridge or upper limits of the roof structure as shown the approved the building and site development drawings using measurement calculations and methodology described in Section J below.

BUILDING SITE means one or more lots or parcels grouped together to form a tract of land to be used for building one or more structures. It may also be known as the development site. The building or development site shall be measured to the exterior property lines which bound the total tract, exclusive of any public dedicated street or right of way.

FLOOR AREA: Means the calculated area of all floors of the occupiable space measured from the exterior walls of the structure. Occupiable Space includes any conditioned space intended for human activities, including (but not limited to) all habitable spaces, toilets, halls, laundry areas, closets, and other storage and utility areas. Exterior stairs, porches, decks, and patios that are exposed to exterior elements and not conditioned are excluded from floor area calculations. A basement or attic space that is occupiable, regardless of finish, with a ceiling height of more than 6' 8" shall be calculated into floor area.



LANDSCAPE AREA. Means the naturally-preserved or planted and permeable surface area that remains after the surface area of buildings, structures, parking areas, driveways, walkways, and decorative pavement are subtracted. The landscape area is calculated from within property lines and shall be planted to comply with the regulations listed under Section H.

MIDDLE HOUSING. Means Duplexes, Triplexes, Quadplexes, and Cottages that comply with the standards of this chapter as described below. Similar housing configurations that do not comply with the regulations of this chapter shall not be considered middle housing types and not subject to these regulations.

Cottage Configuration (Middle Housing Cottage). Means a single detached dwelling unit on a building site. Depending on the resulting land division, cottages may not be required to be located on the same lot or parcel.

Two Dwelling Unit Configuration (Middle Housing Duplex). Means a grouping of two dwelling units on a building site configured in an attached or detached arrangement. Depending on the resulting land division, the units are not required to be located on the same lot or parcel.

Three dwelling Unit Configurations (Middle Housing Triplex). Means a grouping three dwelling units configured in an attached or detached arrangement. Depending on the resulting land division, the units are not required to be located on the same lot or parcel.

Four dwelling Unit Configurations (Middle Housing Quadplex). Means a grouping four dwelling units configured in an attached arrangement on a building site. Depending on the resulting land division, the units are not required to be located on the same lot or parcel.

MULCH AND NON LIVING GROUND COVER – Means. Nonliving plant materials that are applied to paths, plant beds, the base of trees, and shrubs. Mulches include organic materials such as wood chips and shredded bark, and inert organic materials such as decomposed granite, crushed rock, river rock, and cobble.

XERISCAPE. Means a Waterwise landscaping method that utilizes individual site

conditions to maximize efficient water usage. The principals of xeriscape are:

1. Minimize cool season turf grasses.

2. Reduce turf areas with mulched planting beds.

3. Amend soil with organic matter.

4. Zone or group plants by water, soil, and sun needs.

5. Zone irrigation by plant water needs.

6. Maintain landscape to reduce water usage by weeds and promote healthy plant growth

ZEROSCAPE. Means a site design approach that consists of natural or manmade materials such as rock that are not landscaped with turf grasses, shrubs, perennials, annuals, trees or living groundcovers. Zeroscapes, mulch, and nonliving ground cover that are not planted do not qualify as landscape coverage.

17.25.020 **Purpose:**

A. These standards are intended to: support the City's Housing goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan Housing Needs Analysis; increase the variety of housing types available for households; provide opportunities for small, dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

B. Standards within this code are intended to cover the zoning development standards for middle housing under one unified chapter. Code graphics are included to supplement and provide clarity to written standards.

17.25.030 **Applicability**

A. Where middle housing developments are allowed, they shall be permitted by right subject to the standards listed below. Developments that do not meet site, layout, or size restrictions, shall be subject to applicable use and zone regulations and review procedures of Title 16 and 17.

B. Developers may choose to have application requests for the development of middle housing developments processed as administrative actions subject to the procedures found in HRMC 17.09.

17.25.040 **Relationship to Other Regulations**

A. Conflicts. In the event of a conflict between this chapter and other zoning or land division standards, the standards of this code shall control. The standards listed below are the applicable development and design standards for middle housing. The base zone development standards for lot size, height, setbacks, yards, lot coverage, parking, and design standards in Title 17 are not applicable to middle housing subject to these standards.

B. Other Applicable Standards. Developments and buildings designed and constructed under this code shall comply with restrictions established on Goal Protected Lands including environmental hazard, wildland, riparian, wetland and floodplain regulations, Hood River Engineering Standards (HRES) and Oregon Building Codes. This code is not written nor intended to grant Goal or design exceptions or waiver from local, county, state or federal regulations. Where goal protected regulations apply, development shall follow the regulations and notification processes that apply to ensure regulatory compliance.

17.25.050 **Exceptions and Variances**

A. Requests for variances from the requirements of this chapter are subject to the approval criteria under subsection 17.18. Exceptions to public works standards shall be processes according to HRMC, Engineering standards, and City Engineering.

17.25.060 **Land Division Options and Procedures**

A. Middle housing developments may be created as a subdivision or partition; as a condominium (pursuant to ORS Chapter 100 and HRMC 17.16); or as rental units or sold as undivided interest in development.

B. A subdivision, partition, or replat shall be reviewed and approved concurrently with the development of middle housing, to create the easements, lots, and tracts that will comprise the site development. Applicants shall submit engineering and subdivision plans as part of the application. The subdivision or partition may be reviewed as an Expedited Land Division. As an alternative, an applicant may request that its land division and site development plans be reviewed in accordance with standards in Title 16 and processed in accordance with HRMC 17.09.

C. Middle Housing developments meeting the standards of 17.25 are exempt from individual lot size, frontage width requirements, and dimensional standards as outlined in HRMC 17.03, but shall comply with building site standards listed within this chapter.

D. Access and utility easements shall be provided to ensure utility and access rights for all units of land within the development (alt that do not have frontage on a public street), and to provide vehicle, utility, and pedestrian circulation through the site.

E. Covenants, Conditions and Restrictions. Where common utilities, tracts, and facilities are included in a development, Middle Housing and Cottage developments shall require a set of conditions, covenants, and restrictions (CC&Rs) to address maintenance of common open space and other issues. Prior to final plat approval and issuance of a site development or building permit for any structure CC&Rs shall be reviewed and, if approved by the City, recorded with Hood River County. The CC&Rs must include the following provisions:

1. The creation of a homeowner's association or other maintenance agreement that will provide for maintenance of all common areas in the housing development.

2. The total square foot area of each middle dwelling unit may not be increased for the life of the dwelling unit or duration of Middle Housing regulations if it cannot demonstrate compliance with the existing standards or site development approvals.

17.25.070 **Development Standards**

A. Required Site Area Per Dwelling Unit by Zone

Zone	R-1	R-2	R-3	C-1
Maximum Unit/Area Ratio				
Dwellings 800 square feet or less	1 dwelling per 2,300 feet of building site area	1 dwelling per 1,250 square feet of building site area	1 dwelling per 1,250 square feet of building site area	1 dwelling per 1,250 square feet of building site area
Dwellings 800 square feet or more	1 dwelling per 2,500 square feet of building site area	1 dwelling per 1,500 square feet of building site area	1 dwelling per 1,500 square feet of building site area	1 dwelling per 1,500 square feet of building site area
Minimum Lot or Parcel Size* Site	4,600 SF Site N/A on individual lots	2,500 SF Site N/A on individual lots	2,500 SF Site N/A on individual lots	2,500 SF Site N/A on individual lots
Minimum Units Per Development	2	2	2	2
Max Units Per Development	6	8	12	12
Max Units Per Building	2	4	4	4
Max Units Allowed for Existing Building Conversion	4	4	4	4

B. Building Types Allowable Under the Middle Housing Code

1). Two Dwelling Unit Configurations (attached and detached configurations)

2). Three Dwelling Unit Configurations (attached and detached configurations)

3). Four Dwelling Unit Configurations (attached configurations)

4). Cottage Cluster Configuration. (detached configuration)

5). Single Family Conversion

C. Setback/Site Perimeter Buffer Yard

Unless otherwise noted* Setbacks/Site Perimeter Buffer Yard areas shall be measured from the exterior perimeter of the building site. Setback/Site perimeter buffer yard areas shall be landscaped in accordance Section (G) to this chapter, no structures shall be permitted in the yard areas unless allowed under Section (M) Permitted Obstructions.

Required Site Perimeter Yards Buffer	Min. Distance	Notes
Public Street Buffer Yard	10 feet	Shall be measured from the Right of Way unless a public sidewalk easement is required to accommodate frontage improvements. In that case the 10' buffer yard shall be provided from the outer edge of the sidewalk from the street.
Rear Yard Buffer Yard	10 feet	The rear yard is the yard on the opposite of the street frontage. On corner lots the rear yard may be opposite either street frontage.

Rear Yard Buffer Yard*	5/0	*A project that takes access from a single driveway approach on the side of the corner lot may reduce it buffer to 5 feet. If the driveway is a shared access with adjacent property it may reduce it buffer to 0. (See Figure 2 below)
Interior Side Buffer Yard**	5 feet	**6 feet in R-1
Alley Buffer Yard	5 feet	
Garage Buffer Yard from a Public or Private Street	20 feet	Garages shall maintain a 20-foot setback from a public or private street.
Garage Buffer Yard from an Alley	5 feet	Garages shall maintain a five-foot alley setback.

D. Frontage and Utilities

1). Public Street Dedications. Middle Housing Development shall comply with City Standards for frontage improvements, dedications, and the undergrounding of utilities.

2). Street Connectivity and Formation of Blocks Required. To promote efficient vehicular and pedestrian circulation throughout the City, middle housing land divisions and site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

a. Block Length and Perimeter: The maximum block length and perimeter shall not exceed Six Hundred (600) feet length and 1,600 feet perimeter

b. Exception: Exceptions to the above standards may be granted when blocks are divided by one (1) or more pedestrian or bike pathway at least five feet in width located in a dedicated right of way or within a public access easement.

3). Street Frontage Improvements: Shall be designed and established as part of the Plat and building site development approval. Unless waived by the City Engineer, public sidewalks and street trees shall be installed to meet Hood Rivers Street and Engineering Standards. Where insufficient right of way exists, sidewalk and landscape improvements may be installed in public easements to satisfy frontage improvement requirements.

4). Frontage Requirements. Individual lots created as part of a middle development subdivision are not required to have frontage on a public or private street. However, the development site shall have frontage or lawful access from a public or private street.

5). Public Utilities. All lots shall be served by individual services from a private or public distribution main. Any deviations from City standards may be approved by the City Engineer. All individual service lines that cross property shall be placed in an easement.

E. Parking:

1). Each dwelling unit shall be provided with at least one (1) parking space on the building site which may be located within the required front yard setback and buffer yard area. Parking for middle housing developments shall be located on the building site, on individual lots, or in shared common areas, and

identified on the tentative subdivision plan and/or site plan. Parking spaces shall be 9’ by 18’ minimum dimensions.

2). Parking spaces may be located within a garage attached or detached to the unit. Shared Garages may be allowed but may not contain more than 4 parking spaces, may not be attached to an individual detached dwelling unit, and shall not exceed 18 ft total height as measured from average finished grade in measured in section (J).

3). One bicycle storage space shall be provided and shown on the site plan for each unit.

F. Access, Circulation, Driveways, and Approaches

1). Driveway Approach. Driveway approaches must comply with the following:

a. The total width of a middle housing driveway approach may not exceed 14 feet per frontage as measured at the property line, unless required for Public or Emergency Access. (Figure 1)

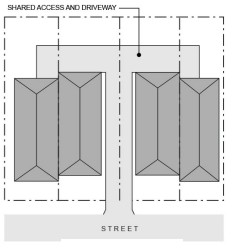


Figure 1

b. Driveway approaches must meet the Hood River driveway spacing standards

c. Lots or parcels must access the street with the lowest classification.

d. When middle housing project that abuts an alley, access must be taken from the alley. When alley access is required a second point of access may be allowed from an adjacent street frontage.

e. Only one single driveway approach per building site frontage is allowed.

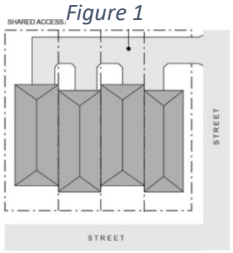
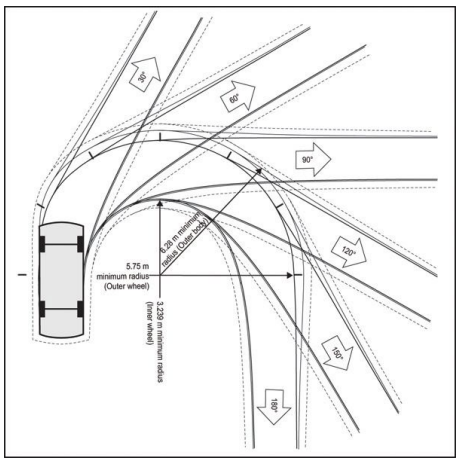
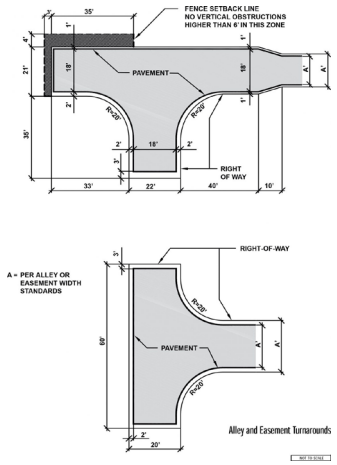


Figure 2

f. A middle housing project that includes a corner lot shall take access from an alley or single driveway approach on the side of the corner lot. (Figure 2). When alley access is required, a second point of access may be allowed from an adjacent street frontage.

g. Minimum driveway turning of radius 10’ inside radius 18’ outside radius shall be required for parking areas and garages.





G. Stormwater, Low Impact Development, Landscaping, and Tree Preservation

1). Storm Water and Low-Impact Development.

a. It is recommended, but not required, that Developments include open space and landscaped features as a component of the project's storm water low-impact development techniques including natural filtration and on-site infiltration of storm water.

b. Low-impact development techniques for storm water management are encouraged wherever possible. Low Impact Development techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.

c. Impervious surfaces should be located to maximize the infiltration of storm water runoff. Developers are encouraged to group dwellings and located parking areas to preserve as much contiguous, permanently undeveloped open space and native vegetation.

d. When vegetated, low Impact stormwater features may be permitted as required landscape area.

2). Landscape: Middle Housing Development Site shall meet the following Landscape standards:

a. All Middle Housing Project Site shall provide a minimum amount of landscape area and coverage as outlined below.

Zone	R-1	R-2	R-3	C-1
Percent Landscape Area	40%	35%	30%	30%

b. All Middle Housing Project Site shall provide a minimum amount of landscape plantings as outlined below

Required Site Perimeter Buffer Yard	Distance	Planting Requirements
Public Street Buffer Yard	10 feet	1, 2-inch caliper# single stem street tree and 5 shrubs for every 30 feet of frontage. Required street tree frontage plants may be counted to satisfy this provision
Notes		* If no sidewalk and tree parkway are developed in the right of way the required trees may be planted in the front street buffer yard within a public easement.
Rear Buffer Yard *(where rear access is used and buffer eliminated no planting shall be required)	10 feet	*1, 2-inch caliper# tree and 5, 5-gallon shrubs for every 30 feet
Interior Side Buffer Yard**	5 feet **6 feet R1	1, 2-inch caliper# tree and 5, 5-gallon shrubs for every 50 feet
Alley Buffer Yard	5 feet	None
Notes		*Landscape Buffer may be located adjacent to the alley right of way or as a **minimum** five-foot yard between alley loaded parking and the site
		# Caliper shall be measured at 12 inches above the root ball
Tree Preservation		Existing trees preserved as part of the development will be credited inch for inch toward the perimeter (not street frontage) tree planting requirement.

3. **Internal Pedestrian Circulation**

a. Development shall include pedestrian walkways for internal circulation on-site. The minimum width for pedestrian paths shall be 4 ft. Paths must provide a connection between each unit to adjoining rights-of-way. These walkways must be shown on the subdivision plan or site plan and be part of the common areas/tracts. Public sidewalks and internal pedestrian walkways may be counted toward landscape requirements.

H. Dwelling Unit Size Restrictions (method of measurements)

1). Maximum Floor Area. The maximum floor area per dwelling unit is 1,200 square feet. An additional area not to exceed 300 square feet, shall be allowed to accommodate an attached garage.

2). The size of a dwelling may not be increased beyond the maximum floor area unless the building site plan and subdivision plat can be amended and meet all applicable landscape and building site standards. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

I. Building Orientation and Separation

1). Interior Building Separation. A middle housing development may include attached, as well as detached, units. With the exception of attached units, there shall be a minimum separation of six feet between the exterior walls of the dwelling units. All units including accessory buildings (e.g., carport, garage, shed, common house, multipurpose room) shall comply with building and fire code requirements for separation from residential structures.

2). The front of a dwelling is the façade with the main entry door and front porch. This front façade shall be oriented toward a public street. If a unit is not adjacent to a public street, it shall be oriented toward an open space or an internal pedestrian circulation path.

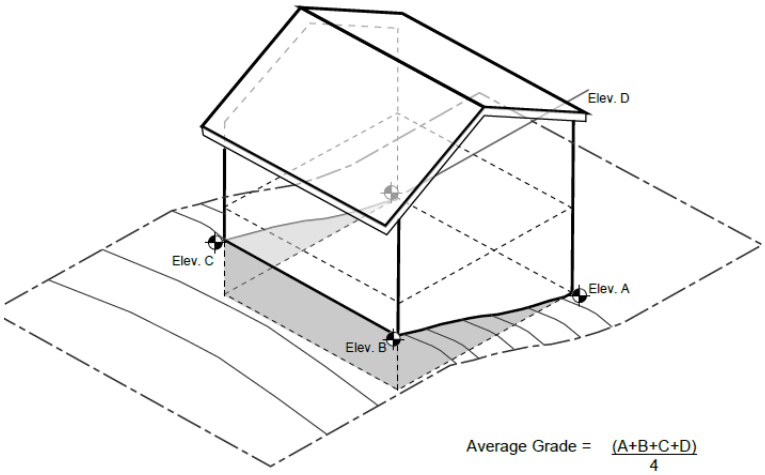
J. Height (Method of measurements) and limit and slope impacts

1). Height. Building height of all dwellings shall comply with following restrictions and limits.

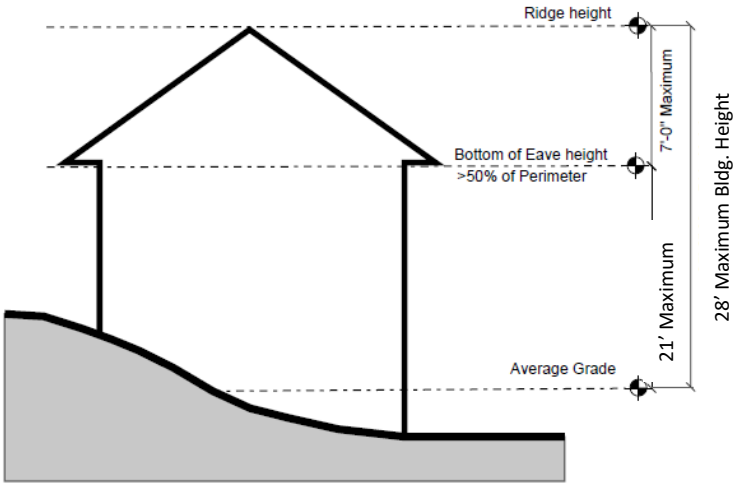
a. Building Height. Dwelling units with a pitched roof shall be no more than 28 feet in height as measured from the average grade of the building perimeter as shown below.

b. Building Height. Dwelling units with a shed roof shall be no more than 25 feet in height as measured from the average grade of the building perimeter as shown below.

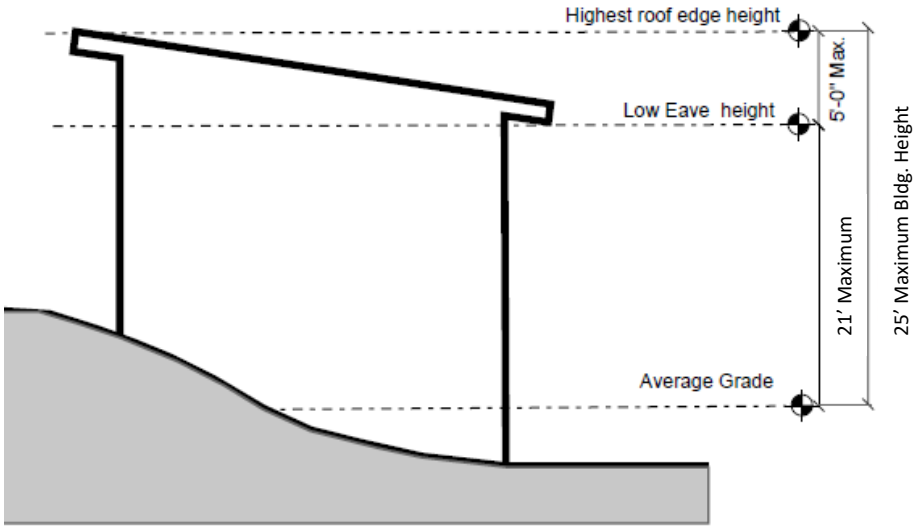
c. Building Height. Dwelling units with a flat roof shall be no more than 21 feet in height as measured from the average grade of the building perimeter as shown below.



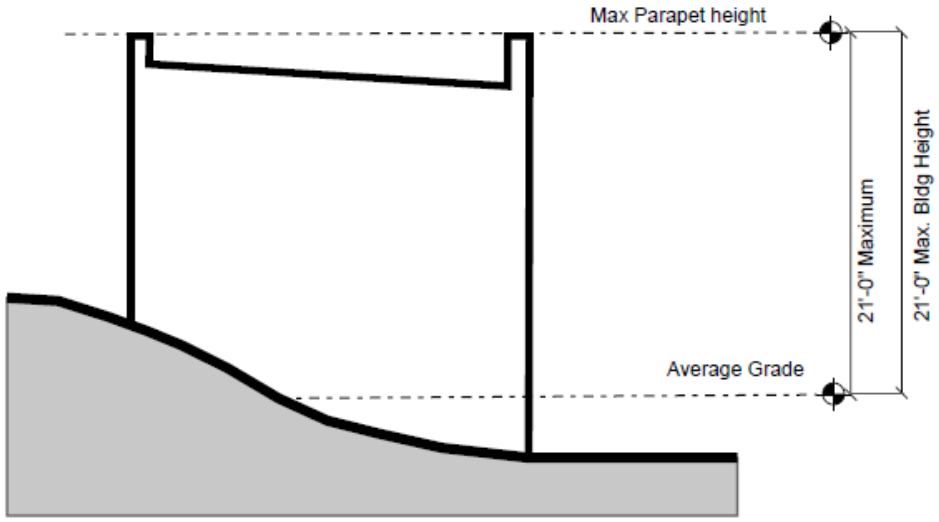
AVERAGE GRADE CALCULATION METHOD - BUILDING PERIMETER



BUILDING HEIGHT CALCULATION: PITCHED ROOF



BUILDING HEIGHT CALCULATION: SHED ROOF



BUILDING HEIGHT CALCULATION: FLAT ROOF

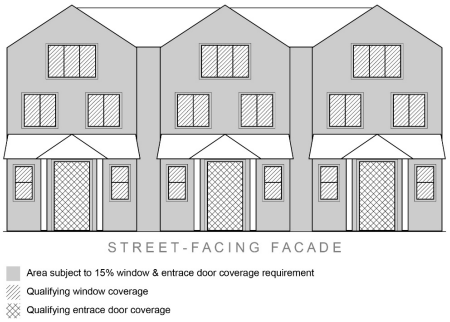
K. Required architecture

1). Units shall avoid blank walls by including at least one of the following:

(a) Changes in exterior siding material.

(b) Bay windows with a minimum depth of 2 ft and minimum width of 5 ft.

(c) Eaves of 15 inches or greater



2). Windows and doors shall account for at least 15% of the façade area for façades oriented toward a public street or common open space. Facades separated from the street property line by a separate dwelling are exempt from meeting this standard. (Figure 3)

3). Wall Elevations that exceed 20 feet in height at any point shall include a wall or plane break of at least two feet in depth and 6 feet in width for every twenty feet of elevation length.

4). Front Porches. Each dwelling unit shall have a porch and if adjacent to a public street shall have a porch facing the public street. The porch is intended to function as an outdoor room that extends the living space of the units into the semipublic area between the unit and the open space or right of way. Front Porches shall include the following

(a) The minimum porch depth shall be 5 feet.

(b) The front door of the dwelling must open onto the porch.

L. Permitted obstructions. The following may be permitted in setback yard buffer areas.

1). Air Conditioning Equipment under 4 feet in height.

2). Driveways approaches 14’ in width and under shall be permitted to cross perpendicular to the front yard setback.

3). Eaves, chimneys, and gutters may project into buffer yards and building separation areas by 15 inches.

4). Fences 4 feet and under in height as measured from grade.

5). Flagpoles and lights under 15’.

6). Public Access Facilities and Easements.

7). Public and Private Utilities.

8). Retaining walls less than four (4) feet in height. If more than one retaining wall is located within the setback, the distance between each wall must be equal to the height of both walls, and the area between the walls must be landscaped (Figure 4).

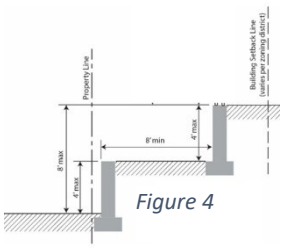


Figure 4

9). Sidewalks 4’ or less in width. The encroachment limit shall be 15” into encroachment a side buffer yard.

10). Trash Enclosures. (Rear Yard Only)

11). Parking spaces in the front yard per section E.1.

M. Fences

1). Fence shall be shown on middle housing site plans. Fence height is limited to four feet along interior areas adjacent to open space, in front and side yards setbacks abutting a public street, and between units. Perimeter Fences that outside the interior side and rear site perimeter buffer yards of the development and not adjacent to a street frontage may be up to 6 ft high, except as restricted by HRMC 17.04 Clear Vision at Intersection.

2). Chain-link fences are prohibited.

N. Accessory Buildings, Common Buildings, Existing Nonconforming Structures and Accessory Dwelling Units.

1). Accessory and Common Buildings. An accessory community building for the use of the housing development residents may be permitted as part of a middle housing development. Accessory or Common buildings shall not be attached to dwellings, shall comply with building code separations, and shall not be interfere with required landscaping amounts.

2). Existing Dwelling Units. An existing single-family residential structure built prior to the effective date of this code, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain as part of a middle house development. Existing nonconforming dwelling units shall be included in the maximum permitted unit density and parking standards. Existing access points for exiting dwellings shall be allowed to remain when included as part of a middle housing development.

3). Existing Dwelling Units. An existing single-family residential structure built prior to the effective date of this code, which may be nonconforming with respect to the standards of this chapter, may be converted to permit the allowed density or 4 units, whichever is less, so long as the dwelling can comply with building, fire code, and parking requirements. An existing structure may not be converted or altered in way that increases non-conformity with this chapter. Existing driveways and parking may remain.

4). Accessory Dwelling Units. New accessory dwelling units (ADUs) are not permitted in middle housing developments, except that an existing ADU that is accessory to an existing nonconforming single- family structure may be counted as a unit if the property is developed subject to the provisions of this chapter.

5). Middle Housing dwellings developed under the provisions of this Chapter which are located in the C-1 zone shall not be licensed as short-term rentals, unless the dwelling complies with all licensing provisions and is the owner's primary residence.