

*This November 17 version of the code amendments incorporates the recommendations from Planning Commission.*

## Amendments to the Springfield Development Code to Encourage Accessory Dwelling Units

The amendments are shown in legislative format (deleted text with strike-thru red font and new text with double underline red font). Commentary is shown in purple italics font.

### Chapter 3 Land Use Districts 3.2-200 Residential Zoning Districts

#### Section 3.2-210 Schedule of Use Categories

*Commentary: Allow accessory dwelling units in all areas zoned for detached single-family dwellings as required by Oregon Revised Statutes 197.312 (5) which was added by Senate Bill 1051.*

Use Categories/Uses	Zoning Districts			
<i>Residential Uses</i>	LDR	SLR	MDR	HDR
<b>Dwellings</b>				
Accessory dwelling unit (Section 5.5-100)	P	P	<del>NP</del>	<del>NP</del>

#### 3.2-215 Base Zone Development Standards

*Commentary: Clarify that minimum setbacks apply to primary structures and ADUs.*

Minimum Setbacks for Primary Structures and Accessory Dwelling Units (4)(5)(7)(8)(9)(10)(~~19~~)

Development Standard	Residential Zoning District			
	Low Density Residential (LDR)	Small Lot Residential (SLR)	Medium Density Residential (MDR)	High Density Residential (HDR)
Front Yard	10 feet	10 feet	10 feet	10 feet
Street Side Yard	10 feet	10 feet	10 feet	10 feet
Rear Yard	10 feet	10 feet	10 feet	10 feet
Interior Yard Setbacks Without Zero Lot Line	5 feet	5 feet	5 feet	5 feet
Interior Yard Setbacks with Zero Lot Line	10 feet	10 feet	10 feet	10 feet
Front Yard Setback: Garages and Carports (6)	18 feet measured along the driveway from: <ol style="list-style-type: none"> <li>1. The property line fronting the street or back of the sidewalk, whichever is closest to the face of the garage or carport; or</li> <li>2. The property line fronting the street or the back of the sidewalk, whichever is closest to the far wall of the garage or carport where the face of the structure is perpendicular to the street.</li> </ol>			

	3. Where a garage or carport faces a panhandle driveway, the 18 feet is measured from the inner travel edge (pavement or gravel) within the panhandle to the face of the structure.
Alley Access: Garage	For new alleys the setback is 5 feet measure from the edge of the alley; for existing alleys that are less than 20 feet wide, the setback is 3 feet.
Accessory Structures	Accessory structures shall not be located between any front or street side yards of a primary structure and shall be set back at least 3 feet from interior side and rear lot/parcel lines.
Panhandle and Duplex Lots/Parcels	All setbacks for panhandle lots/parcels are based on the orientation of the front and rear of the dwelling occupying the lot/parcel. All setbacks for duplexes on corner lots/parcels are based upon the front yard of each unit established by the street or streets for address purposes.

(19) Accessory dwelling units may be located up to five feet from an alley. If the accessory dwelling is located above an alley access garage, the setback for the garage from the alley also applies to the accessory dwelling unit, even if it is less than five feet.

### Section 3.2-235 Residential Manufactured Dwellings

*Commentary: Allow for use of Type 2 manufactured homes (under 750 square feet) as accessory dwelling units in the Low, Small Lot, Medium, and High Density Residential Districts.*

The siting of manufactured dwellings in ~~Low and Medium Density~~ Residential Districts is permitted subject to the provisions of this section:

- A. Manufactured Home-as permitted use in manufactured home subdivisions, manufactured dwelling parks and all lots/parcels zoned and designated Low and Medium Density provided that units placed on individual lots/parcels outside of existing platted manufactured home subdivisions shall be Type 1 classification and all density standards are satisfied. A Type 2 manufactured home may be sited in manufactured dwelling parks, interior lots of existing and platted manufactured home subdivisions, as accessory dwelling units, and in multifamily developments.

### Section 3.3-900 Historic Overlay District

*Commentary: Allowing accessory dwelling units in the Washburne Historic Landmark District requires that they be addressed in the Historic Overlay District.*

#### 3.3-915 Review

- B. The following major alterations of Historic Landmark Sites or Structures shall be reviewed under Type II procedures as specified in Section 3.3-945;
  1. Additions, partial demolitions, or substantial alterations to a building façade;
  2. A change to a more intensive use category as defined in the underlying zoning district;
  3. Installation of 4 or more parking places;
  4. Removal or radical trimming of large established trees or vegetation, except where necessary for immediate public safety as determined by the City Engineer;

- 5. Specific Development Standards in the Washburne Historic Landmark District specified in Section 3.3-935B;
- ~~6.~~ New construction of 1,000 square feet or more within the Washburne Historic Landmark District;
- ~~6.7.~~ Addition of an accessory dwelling unit that complies with the Development Standards in Section 3.3-940; or
- ~~7.8.~~ Any other alteration or use that the Director determines may detract from the historic character of a Historic Landmark Site or Structure.

**3.3-940 Development Standards**

- ~~A.~~ Garage Placement. ~~In order to~~ To protect the historic character of ~~an~~ the Washburne Historic Landmark District or an individual Historic Landmark Structure, residential garages may be permitted to abut an alley, provided that:
  - ~~A1.~~ Minimum fire separation as required by the Building Safety Codes is not exceeded; and
  - ~~B2.~~ Access is taken from the alley.
- ~~B.~~ Accessory Dwelling Units. ~~To protect the historic character of the Washburne Historic Landmark District or an individual Historic Landmark Structure, the following standards apply to accessory dwelling units in residential districts:~~
  - ~~1.~~ Accessory dwelling units must meet the requirements in Sections 5.5-105 through 5.5-140 of this Code, except where they conflict with the standards of the Historic Overlay District.
  - ~~2.~~ New or expanded curb cuts are not allowed unless there is no other alternative for providing the required parking for the accessory dwelling unit. Alternatives that must be considered include, but are not limited to, providing a parking space that is accessed from the alley rather than the street, and using on-street parking abutting the property.
  - ~~3.~~ Alterations that add an entrance to an attached accessory dwelling unit on the same side of the dwelling as the entrance of the primary dwelling are not permitted.
  - ~~4.~~ Type 2 manufactured homes shall not be used as an accessory dwelling unit.

**Chapter 5 The Development Review Process and Applications**  
**Section 5.5 Accessory Dwelling Units**

**5.5-105 Purpose**

*Commentary: Delete the first section of the Purpose which actually defines an accessory dwelling unit and rely on the definition that is in Chapter 6.*

~~A.~~ A single family accessory dwelling unit:

- ~~1.~~ Is a secondary, self-contained dwelling that may be allowed only in conjunction with a detached single family dwelling;
- ~~2.~~ Is subordinate in size, location, and appearance to the primary detached single family dwelling;
- ~~3.~~ Generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area; and
- ~~4.~~ May be located within, attached to or detached from the primary single family dwelling.

*Commentary: Match the purpose of accessory dwelling units to policy language in the **Springfield 2030 Comprehensive Plan Residential Land Use and Housing Element** (Policies H.6, H.9, H.11, and H.15).*

**BA.** An accessory dwelling unit is intended to:

1. Provide the opportunity to Add accessible and affordable units to existing housing stock neighborhoods and new residential areas;
2. Provide flexibility to accommodate ~~for~~ changes in household size or composition over the course of time, allowing for intergenerational living and on-site caretakers/assistants;
3. Make efficient use of residential land; and
4. Fit into the Protect-neighborhood while maintaining stability, property values, and in the case of low-density residential zones, the single-family residential appearance of the neighborhood ~~by ensuring that Accessory Dwelling Units are constructed under the provisions of this Section.~~

*Commentary: Make grammatical structure consistent for each phrase.*

**CB.** An accessory dwelling may be established by:

1. ~~Conversion of~~ an attic, basement or garage or any other portion of the primary dwelling;
2. Adding floor area to the primary dwelling, including a second story; or
3. ~~Construction of~~ a detached accessory dwelling unit on a lot/parcel with a primary single-family dwelling.

*Commentary: Allow existing small dwellings to become the accessory dwelling unit.*

4. Converting an existing dwelling unit to the accessory dwelling unit (if it is less than 750 square feet) and building a primary dwelling unit.

#### **5.5-110 Applicability**

*Commentary: Allow accessory dwelling units to be built first or at the same time as the primary dwelling*

- A.** Accessory dwelling units are permitted on LDR properties with an ~~n-existing~~ primary dwelling, within the city limits.

*Commentary: Allow accessory dwelling units in all areas zoned for detached single-family dwellings as required by ORS 197.312 (5) which was amended by SB 1051 as long as the new development would meet the minimum density requirements in the MDR or HDR zoning district. If the lot or parcel developed with a single-family house is larger than those listed below, then the property owner would need to consider other options such as land divisions or building multi-family dwellings in order to achieve the minimum density requirements. Multi-unit design standards apply to three or more attached units. Therefore, if there are two accessory dwelling units, one must be detached from the main structure.*

- B.** Accessory dwelling units are permitted on MDR properties with a primary dwelling, within the city limits, according to the following standards:

1. On a lot or parcel with area 6650 square feet or less, one or two accessory dwelling units are permitted.
2. On a lot or parcel with area greater than 6650 square feet but not greater than 10,000 square feet, two accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.
3. An accessory dwelling unit is not permitted on a lot or parcel with area greater than 10,000 square feet.
4. If two accessory dwellings are constructed, at least one must be detached from the primary dwelling.

- C.** Accessory dwelling units are permitted on HDR properties with a primary dwelling, within the city limits, according to the following standards:

1. On a lot or parcel with area 3200 square feet or less, one or two accessory dwelling units are permitted.
2. On a lot or parcel with area greater than 3200 square feet but not greater than 4800 square feet, two accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.
3. An accessory dwelling is not permitted on a lot or parcel with area greater than 4800 square feet.

4. If two accessory dwellings are constructed, at least one must be detached from the primary dwelling.

*Commentary: Allow accessory dwelling units in the Washburne Historic District.*

~~**B.D. EXCEPTION:** Accessory dwelling Uunits are prohibited-permitted on lots/parcels within the Washburne-Historic Overlay District subject to the provisions of Section 3.3-910 through 3.3-945.~~

#### **5.5-115 Review**

*Commentary: Add that ADUs in the Washburne Historic District and in some other cases, ADUs are reviewed under a Type II procedure.*

An accessory dwelling unit is reviewed under Type I procedure except in the Historic Overlay District or except as provided in Sections 5.5-125F and 5.5-130C when the accessory dwelling unit it is reviewed under a Type II procedure.

#### **5.5-120 Submittal Requirements**

*Add to the submittal requirements to make enable a complete review of the application.*

A plan drawn to scale and dimensioned showing the proposed accessory dwelling unit and its relation to the property lines, the primary dwelling and other structures on the lot/parcel including fences and walls; existing and proposed trees and landscaping; lot/parcel area and dimensions, percent of lot/parcel coverage, building height, entrance locations; location of utilities and meters, curb cuts, sidewalks (public and private) and off-street parking area; a detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and a separate written response demonstrating how the required development standards listed in Section 5.5-125 can be met.

#### **5.5-125 Development Standards**

*Commentary: Make accessory dwelling unit "single" for style consistency.*

An accessory dwelling units shall meet the following standards:

- A.** The accessory dwelling unit shall meet all applicable standards in this Code including, but not limited to; setbacks, height, lot/parcel coverage, solar access and building codes in effect at the time of construction.

*Commentary: Rely on 5.5-140 to regulate the minimum lot/parcel size.*

~~**B.** The minimum lot/parcel size to construct an accessory dwelling unit is as specified in Section 3.2-215.~~

- CB.** The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.

*Commentary: Remove the ratio requirement for size of the accessory dwelling unit.*

**DC.** ~~The accessory dwelling unit shall not exceed 750 square feet or 40 percent of the square footage of the accessory dwelling unit shall not exceed 40 percent of the primary dwelling (exclusive of the garage for the primary dwelling), whichever is less. Within this standard, the minimum area shall not be less than 300 square feet. The maximum area shall not exceed 750 square feet.~~

**EXCEPTION:** ~~The 40 percent requirement will not apply when the primary structure is less than 750 square feet in size, in order to ensure a 300 square foot minimum accessory dwelling unit. The minimum and maximum square footage shall be 300 square feet when the existing primary structure is less than 750 square feet in size.~~

*Commentary: Incorporate building code requirement that an accessory dwelling unit must have its own outside entrance and remove requirement that allows only one entrance.*

**ED.** ~~The accessory dwelling unit shall have When separate an outside entrances to the accessory dwelling unit are proposed; that is separate from the entrance to the primary dwelling.~~

*Commentary: Allow more flexibility in the location of the entrance.*

~~1. Only 1 entrance may be located on the front or street side of each residence.~~

~~2. A hard surface walkway, a minimum of 3 feet wide, shall be required from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.~~

**FE.** Each dwelling shall have its own address.

*Commentary: Waive the on-site parking requirement in some situations where on-street parking is available. Also, remove the requirement for the on-site parking space to be paved if there is a paved driveway providing access to the parking space.*

**FG.** ~~There shall be One paved, off-street parking space 9 feet by 18 feet in size for the accessory dwelling unit, in addition to that which is required by Section 4.6-100 for the primary dwelling is required. The off-street parking space for the ADU must be paved, except when there is a paved driveway at least 18 feet long measured from the property line that serves the parking space for the ADU.~~

An off-street parking space is not required if one of the following conditions is met:

1. There is on-street parking available directly abutting the property, the abutting street includes parking on both sides of the street, and there are no adopted plans to remove the on-street parking. The abutting on-street parking space must be paved.

2. Under Type II procedure, the Director determines based on a parking utilization study, that on-street paved parking is consistently available directly abutting the subject property and the roadway is of sufficient width to allow passage of emergency vehicles.

*Commentary: Remove this requirement to allow existing small homes to become the accessory dwelling unit.*

~~H. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling.~~

*Commentary: Remove the requirement that the property owner live on site.*

~~I. Before final occupancy of the accessory dwelling unit, the property owner shall record a deed restriction that states the property owner shall reside on the property and the accessory dwelling unit shall not be sold separately from the primary dwelling, unless lawfully partitioned.~~

### 5.5-130 Design Standards

*Commentary: Provide the property owner more flexibility in design of the new dwelling while also including clear and objective design standards (as required by Oregon Revised Statutes 197.307 (4) which was amended through Senate Bill 1051).*

An accessory dwelling unit within or attached to the main dwelling shall either match the primary dwelling or meet the alternative standards. A detached accessory dwelling unit shall match the primary dwelling, meet clear and objective standards, or meet the alternative standards.

~~A. Match Primary Dwelling. An accessory dwelling unit may be approved under Type I procedure if it meets shall comply with the following design standards except that these standards may be altered when necessary to meet current fire or building codes; where practicable the:~~

~~1. 1.A. Exterior finish materials shall be the same as or essentially the same visually match those of in terms of type, size, placement and finish as the primary dwelling in terms of type, size, and placement.~~

~~2.1.~~

~~B. 2. Roof pitch shall match be the same as the predominate roof pitch of the primary dwelling.~~

~~C. 3. The trim around the doors and windows shall be the same in type, location and finish as the primary dwelling.~~

~~D. 4. Windows shall match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).~~

~~E. 5. Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.~~

~~B. Meet Clear and Objective Standards. A detached accessory dwelling unit may be approved under Type I procedure if it meets the following design standards:~~

~~1. If a Type 2 manufactured home or a towable structure (that is permitted, inspected and approved by the local authority having jurisdiction) is brought to the site as an ADU, it shall have its tongue and towing apparatus removed. It shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other~~

concrete or masonry materials approved by the Building Official and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the dwelling is placed on a basement, the 24 inch limitation will not apply).

2. Only non-reflective siding and roofing materials are allowed.
  3. Minimum roof pitch is 3 to 12.
  4. Eaves shall project from the accessory dwelling unit at least one foot on all elevations.
  5. The primary entry must have a covered or roofed entrance with a minimum depth and width of 3 feet.
  6. The entrance to the unit shall face the interior of the lot unless the accessory dwelling unit is directly accessible from the alley or public street.
  7. If the accessory dwelling is detached from the primary dwelling, it may not exceed the height of the primary dwelling. Adding an accessory dwelling within the primary dwelling or attached to the primary dwelling can result in additional height of the primary dwelling as long as it continues to comply with overall height requirements.
  8. The exterior wall shall provide an offset every 25 feet by providing a recess or extension, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall.
  9. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
- C. Meet Alternative Standards. An accessory dwelling may be approved under Type II procedure if it meets the following design standards:
1. Siding, roofing materials, and windows shall be similar to those used on residential dwellings in the surrounding neighborhood.
  2. Entrances, windows and balconies shall be designed and located with consideration of the privacy of residential neighbors.

*Commentary: Remove this subsection as it is no longer necessary.*

### **5.5-135 Prior Uses**

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~~The Director shall approve any accessory dwelling unit existing at the time of the adoption of this amendment if the following conditions can be met:~~

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- ~~A. The accessory dwelling unit complies with the provisions of Sections 5.5-105 through 5.5-130; and~~

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B. ~~A building permit was issued when the accessory dwelling unit was constructed or remodeled. The burden of proof is the responsibility on the property owner to show proof of building permits.~~

#### 5.5-140 Non-conforming Lot/Parcel Sizes

*Commentary: Improve the wording.*

Accessory dwelling units shall not be permitted on lots/parcels that do not meet the applicable minimum lot/parcel size stated in Section 3.2-215.

#### 5.5-145 Prohibited Use

*Commentary: Allow Type 2 Manufactured Homes and approved towable structures as accessory dwelling units.*

Mobile homes, ~~manufactured homes~~, recreational vehicles, motor vehicles, and travel trailers ~~and all other forms of towable or manufactured structures~~ shall not be used as an accessory dwelling unit. Type 2 Manufactured Homes and towable structures that are permitted, inspected and approved by the local authority having jurisdiction are allowed.

### Chapter 6 Definitions

#### Section 6.1-110 Meaning of Specific Words and Terms

*Commentary: Remove redundant definition and replace with a cross reference.*

**Accessory Dwelling Unit** ~~A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling. See Dwelling Unit, Accessory~~

*Commentary: Change definition to allow an existing house to become the accessory dwelling unit. Also, require a separate outside entrance for the accessory dwelling unit as required by building codes.*

**Dwelling Unit, Accessory** A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, ~~location, and appearance~~ to the primary detached single-family dwelling. An accessory dwelling unit ~~generally~~ has its own outside entrance and ~~always has~~ a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling.

*Commentary: Change definition to recognize that accessory dwelling units could share a wall with the single-family dwelling.*

**Dwelling, Detached Single-Family** A single-family dwelling on its own lot/parcel that does not share a wall with any other dwelling other than an accessory dwelling unit. ~~This~~ A detached single-family dwelling may be either site built or a manufactured dwelling.

**Dwelling, Manufactured.**

- A. Residential Trailer:** a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- B. Mobile Home:** 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 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.
- C. Manufactured Home:** 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 was constructed on or after June 15, 1976 in accordance with Federal Safety Standards Regulations in effect at the time of construction. In addition, manufactured homes sited within the jurisdictional boundaries of Springfield shall be of either Type 1 or Type 2 classification and shall comply with the following standards:

**1. Type 1 Manufactured Home:**

- a.** Multi-sectional configuration enclosing a minimum floor area of 1,000 square feet;

*Commentary: Make the design standards clear and objective as required by Oregon Revised Statutes 197.307 (4) which was amended through Senate Bill 1051.*

- b.** Siding and roofing materials shall be non-reflective ~~similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings;~~

*Commentary: Make the language for roof pitch consistent with other sections of the code.*

- c.** Minimum roof pitch of 3 ~~feet vertical~~ in 12 ~~feet of width~~;
- d.** Thermal efficiency equivalent to the Oregon One- and Two-Family Dwelling Specialty Code excluding units built prior to the effective date of this Ordinance (5-1-94). These units shall meet or exceed the HUD energy standards that were in effect at the time of construction.

**2. Type 2 Manufactured Home:**

*Commentary: Allow manufactured homes larger than 500 square feet but smaller than 1000 square feet to be included as a Type 2 Manufactured Home. Manufactured homes up to 750 square feet could be used as an accessory dwelling unit.*

- a. Single-wide unit ~~of not less than 12 feet wide~~ enclosing ~~less than a minimum floor area of 500-1000~~ square feet;

*Commentary: Make the design standards clear and objective as required by Oregon Revised Statutes 197.307 (4) which was amended through Senate Bill 1051.*

- b. Siding and roofing materials ~~shall be non-reflective similar to the materials used in residential dwellings in the community or which are comparable to the predominant materials used on surrounding dwellings;~~

*Commentary: Make the language for roof pitch consistent with other sections of the code.*

- c. ~~Minimum~~ mMinimum roof pitch of ~~2 feet vertical-3~~ in ~~12 feet of width~~;

- ~~ed~~. Thermal efficiency equivalent to the Oregon One- and Two-Family Dwelling Specialty Code excluding units built prior to May 1, 1994. These units shall meet or exceed the HUD energy standards that were in effect at the time of construction.

*Commentary: Correct inconsistent labelling (Arabic numeral instead of Roman numeral).*

**Note:** Multi-sectional units placed on lots/parcels eligible for Type 2 units shall comply with all of the standards of a Type ~~1~~ 1 manufactured home.