

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

September 14, 2017

KEY CHANGES

The proposed amendments expand options for accessory dwelling units in the following ways:

- **Allow an existing small dwelling to become an ADU** (if it is less than 750 square feet), and build a primary dwelling unit.
- **Allow ADUs on properties zoned medium and high density residential.**
- **Allow ADUs in the Washburne Historic District**, subject to the requirements of Springfield Development Code Section 3.3-900 (Historic Overlay District).
- **Remove the minimum size requirement** of 300 square feet for an ADU.
- **Remove the ratio requirement** (currently an ADU cannot exceed 40 percent of the size of the primary dwelling), while maintaining the maximum ADU size requirement of 750 square feet.
- **Allow more flexibility in the location of the entrance** to the ADU.
- **Waive the on-site parking requirement if there is on-street parking available** directly abutting the property (and there are no adopted plans to remove the on-street parking).
- **Allow an unpaved parking space on-site, if there is a paved driveway** (at least 18 feet long measured from the property line) that serves the parking space for the ADU.
- **Remove requirement for the property owner to live on site.**
- **Allow more options for meeting design standards**, including removing requirements that exterior finish materials, trim, roof pitch, windows, and eaves be essentially the same as the primary dwelling.
- **Allow manufactured homes (Type 2) and approved towable structures** as ADUs so long as they are permitted, inspected, and approved by the local authority.

PROPOSED AMENDMENTS

The proposed 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 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			
Residential Uses	LDR	SLR	MDR	HDR
Dwellings				
Accessory dwelling unit (Section 5.5-100)	P	P	<u>NP</u>	<u>NP</u>

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. Convert~~ing~~sion 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. Constructing ~~ngon 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 ~~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.

- 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.

- 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.

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

D. ~~EXCEPTION:~~ Accessory dwelling Uunits are prohibited on lots/parcels within the Washburne Historic District are subject to the requirements of Section 3.3-900.

5.5-115 Review

An accessory dwelling unit is reviewed under Type I procedure.

5.5-120 Submittal Requirements

A plan drawn to scale showing the proposed accessory dwelling unit and its relation to the primary dwelling; 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, 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 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.** One paved, off-street parking space 9 feet by 18 feet in size, in addition to that which is required by Section 4.6-100 is required unless there is on-street parking available directly abutting the property and there are no adopted plans to remove the on-street parking. The on-site 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.~~

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 shall comply with the following standards, ~~where practicable the:~~

~~A.~~ ~~A.~~ Exterior finish materials shall be either:

~~1.~~ ~~†~~The same or ~~essentially the same visually matching those of in terms of type, size, placement and finish as the primary dwelling in terms of type, size, and placement, or~~

~~2.~~ ~~Made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern with boards 7 inches or less in width.~~

~~B.~~ ~~Roof pitch shall match the roof pitch of the primary dwelling. Minimum roof pitch shall be 2 to 12.~~

~~C.~~ The trim around all doors and windows shall be either the same in type, ~~location~~ and finish as the primary dwelling or shall be at least 3 ½ inches wide.

~~D.~~ Windows on all street facing facades shall either match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal) or no window shall be wider than it is tall.

~~E.~~ Eaves shall either project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling or shall project from the building walls at least one foot on all elevations.

Commentary: Add a height limit for a detached accessory dwelling to ensure that it is subordinate in size and appearance.

~~F.~~ 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.

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

~~5.5-135 Prior Uses~~

~~-~~

~~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:~~

~~-~~

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

~~-~~

~~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.

5.5-1435 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 made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or a in a horizontal clapboard or shiplap pattern with boards 7 inches or less in width~~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 made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or a in a horizontal clapboard or shiplap pattern with boards 7 inches or less in width 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.** ~~m~~Minimum roof pitch of 2 in feet vertical 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 manufactured home.