

DRAFT ACCESSORY DWELLING UNIT ORDINANCE

This italicized paragraph is a paraphrased excerpt from the Oregon Department of Land conservation and Development (DLCD) model code for Accessory Dwellings. Oregon Revised Statutes (ORS) 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings (for cities with a population of 2,500 or greater). Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development. The model development code language provides recommended language for accessory dwellings. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Draft Yachats Development Code Amendment to Allow ACCESSORY DWELLINGS

Chapter 9.04 General Provisions and Definitions

9.04.030 Definitions.

(The following definition matches the definition for Accessory Dwelling found in ORS 197.312)

“Accessory Dwelling” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Zoning Districts

(Zoning Districts that allow single family dwellings include R-1, R-2, R-3, R-4, and C-1. Therefore, ‘accessory dwelling unit’ would be added as a ‘conditional use permitted’ in each of these zones. An alternative is to add the accessory dwelling unit as a ‘use permitted outright’ in each of these zones.)

Chapter 9.72 Conditional Uses**9.72.050 Standards and procedures governing conditional uses.****G. Accessory Dwelling Units.**

Accessory dwellings are subject to the standards identified below.

1. **One Unit.** A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

Note: An alternative is to allow a maximum of two Accessory Dwellings. One unit must be detached, or in a portion of a detached accessory building (e.g. above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g. an addition or the conversion of an existing floor).

2. **Floor Area.**

- a. A detached Accessory Dwelling shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 900 square feet.

3. **Other Development Standards.**

Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

- a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and
- b. One off-street parking space is required for an Accessory Dwelling.