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Accessory Dwelling Units: Detached

This handout summarizes the accessory dwelling unit (ADU) regulations for residential properties in the City of Milwaukie. Please refer to Milwaukie Municipal Code (MMC) Subsection 19.910.1. ADUs are allowed in all residential zones except the Downtown Residential Zone. ADUs must follow all of the zoning requirements of the residential zone they are located in, as well as the additional requirements in MMC Subsection 19.910.1.

Definition of Accessory Dwelling Unit (ADU)

1. An “accessory dwelling unit” is a second dwelling unit on a lot with a single-family detached dwelling. An ADU is incidental to, and smaller than, the main dwelling unit. An ADU can either be part of the main structure, attached to the main structure, or detached.
2. The City has different regulations based on whether it is attached or not.
3. An “accessory dwelling unit” includes areas and equipment for sleeping, cooking, and sanitation (bathrooms and toilets). A structure without these areas and equipment is an “accessory structure,” not an ADU, and is subject to the provisions of MMC Section 19.502 Accessory Structures.

Standards for All ADUs

1. The primary use on the property must be a single-family detached house, and it must be used as a dwelling.
2. Either the primary or accessory dwelling must be owner-occupied; the owner must record this deed restriction with the County (i.e., the property owner must live in one of the dwellings).
3. One ADU is allowed per lot.
4. An ADU is limited to the lesser of 800 sq ft or 75% of the floor area of the main structure.
5. A new ADU requires a preapplication conference with City staff.

Review and Approval of Detached ADUs

There are two review processes for ADUs, depending on the size of the unit.

Footprint, Height, and Required Yards for Detached Accessory Dwelling Units		
Level of Review	Type I	Type II
Maximum Structure Footprint	600 sq ft	800 sq ft
Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories
Required Side and Rear Yard	Base zone requirement for side and rear yard	5'
Required Front Yard	10' behind front yard as defined in Section 19.201, unless located at least 40' from the front lot line.	
Required Street Side Yard	Base zone requirement for street side yard	

Type I review is a staff-level review to ensure that the proposal meets all applicable codes and requirements. This is often called an “as-of-right” or “permitted outright” type of review. The review time and cost is less than what is required for a Type II review.

ADUs greater than the Type I review thresholds will be reviewed through a Type II review process. In addition to a staff-level review, to ensure that the proposal meets all relevant codes and requirements, this type of application requires a public posting on the site and notification to all properties within 300 ft of the subject property and a comment period. The final decision on the application is made by the Planning Director.

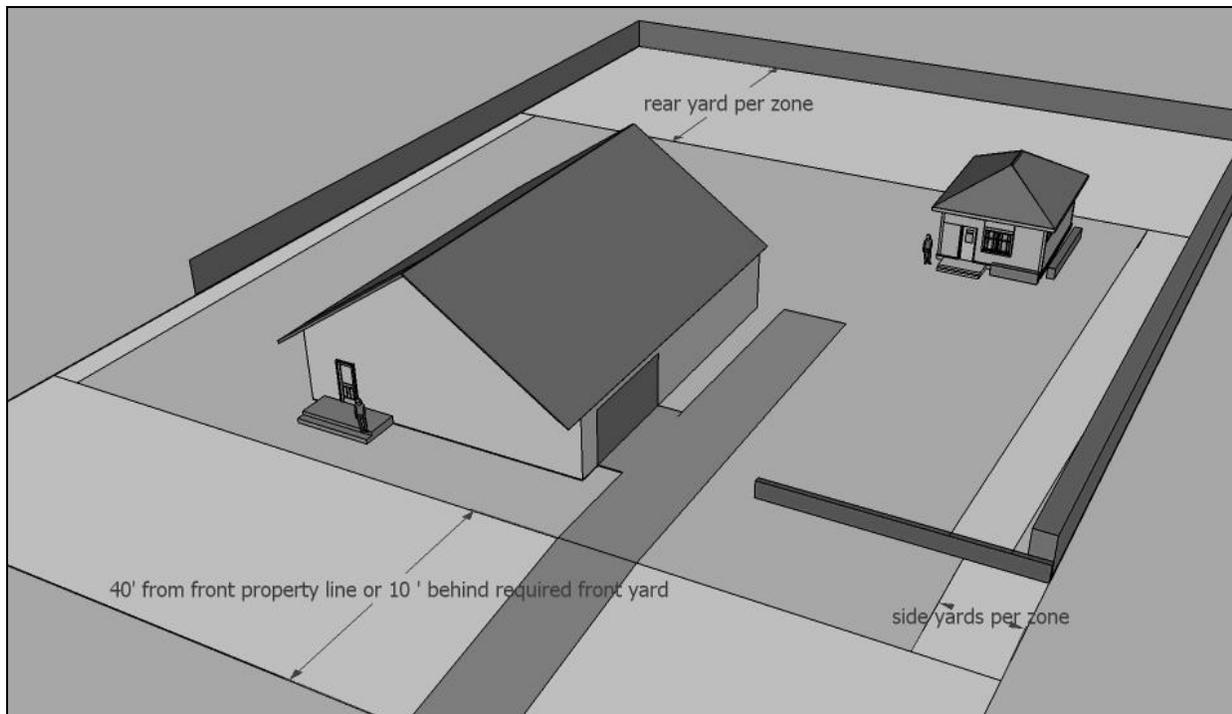
Development Standards for Detached ADUs

ADUs that are detached (a separate structure) from the primary residence must meet the development standards outlined in Table 1, below.

TABLE 1. DEVELOPMENT STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS

Requirement	Allowed by Code		Subject Property Requirements	Proposed	Comments Staff Use Only
	Type I	Type II			
Maximum Lot Coverage and Minimum Landscaped Area See note 1	Same as base zone		Lot coverage: Landscaped area:		
Setbacks: Front Property Line	10' behind required front yard or 40' from front lot line				
Setbacks: Street Side Property Line	Same as base zone				
Setbacks: Rear and Side Property Lines	Same as base zone	5' min.			
Maximum Allowed Floor Area	800 sq ft or 75% of main dwelling, whichever is less				
Building Height (detached ADU) See note 2	15' 1-story max.	25' 2-story max.			

1. See Zoning Worksheets for requirements.
2. See page 4 of this handout for how to measure building height.



Required Design Elements for Detached ADUs

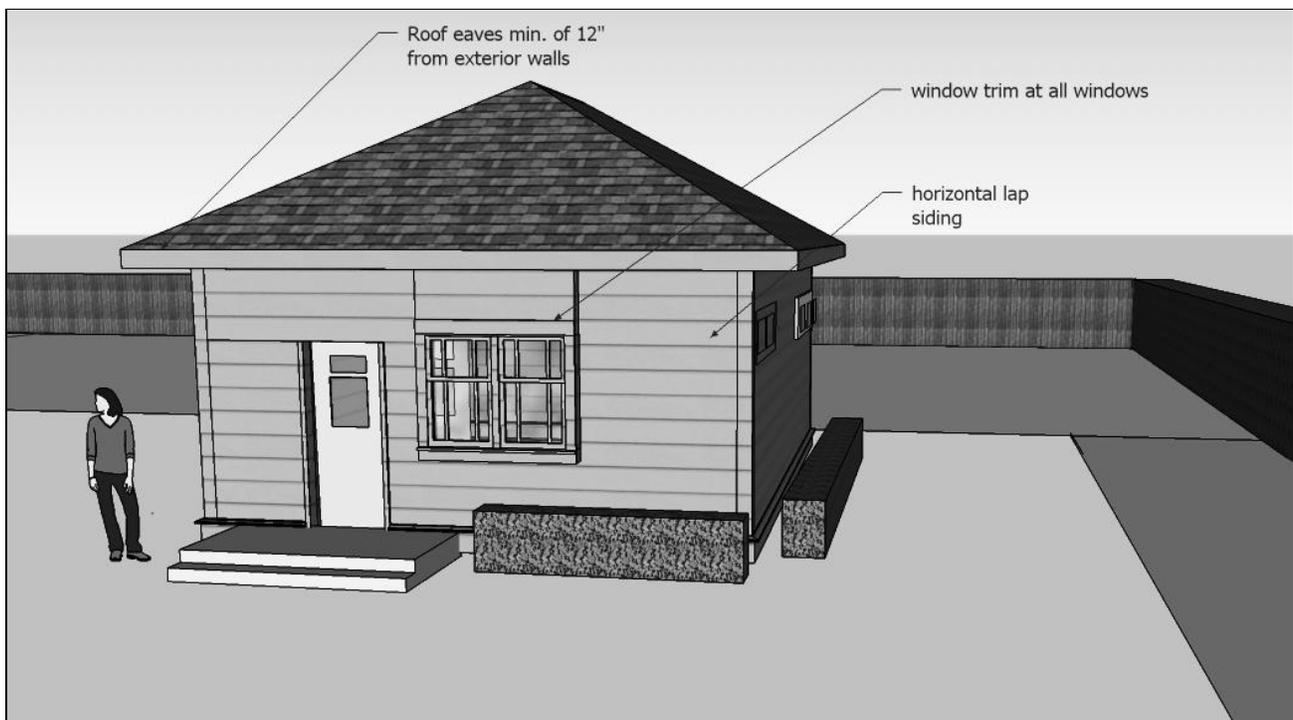
Detached ADUs must include at least 2 of the design details from Table 2, below. Yurts are allowed as detached ADUs and are exempt from this requirement, but they must meet all other ADU regulations and building codes (see MMC Subsection 19.910.4.b).

TABLE 2. DESIGN STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS

Requirement	Required by Code	Existing	Proposed	Comments Staff Use Only
Minimum roof pitch if floor-to-ceiling height is 9' or more See note 3	4" rise for every 12" of run (4/12 pitch)			
Privacy standard (for walls within 20' of adjacent residential property line)	All windows placed on upper 1/3 of wall, OR 6' visual screening			
All detached ADUs shall include at least 2 of the following (check at least 2):				
<input type="checkbox"/> Covered porch	5 min. depth			
<input type="checkbox"/> Recessed entry	2' min. from exterior wall to door			
<input type="checkbox"/> Roof eaves	12" min. projection			
<input type="checkbox"/> Horizontal lap siding	Siding between 3" and 7" wide			
<input type="checkbox"/> Window trim at all windows	3" wide and 5/8" deep			

1. A minimum 4/12 roof pitch is required for an accessory structure greater than 10 ft and for ADUs with a floor-to-ceiling height greater than 9 ft.

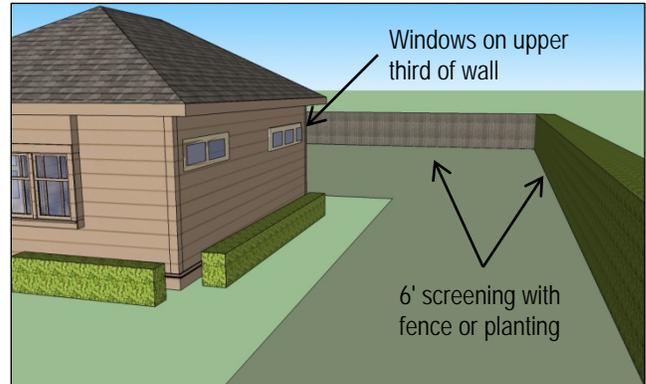
ILLUSTRATION OF DESIGN STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS



Privacy Standards for Detached ADUs

If a detached ADU has a wall within 20 ft of a side or rear lot line of an adjacent residential property, and is a 45 degree angle or less to the property line, at least 1 of the following privacy standards are required.

1. All windows on the wall shall be placed in the upper third of the distance between floor and ceiling.
2. Opaque visual screening with a minimum height of 6 ft is required along the property line next to the wall of the ADU. Screening may consist of a fence, wall, or evergreen shrubs. If newly planted shrubs are used, they must be at least 5 ft above grade at time of planting, and they must reach 6 ft high within 1 year. Existing features of the site may be used to meet this requirement.



Converting an Existing Accessory Structure into a Detached ADU

An existing structure can be converted to a detached ADU subject to the following standards.

1. If the existing accessory structure was created on or after December 1, 2012, it must meet all applicable standards for a new detached ADU.
2. If the existing accessory structure was created before December 1, 2012, it must meet all applicable standards for a new detached ADU except for the design standards listed in Table 2 above. However, the conversion must not bring the accessory structure out of conformance, or further out of conformance, with any of the design standards listed in Table 2.

Other Requirements

A new dwelling unit within the city must also meet all applicable building codes and engineering requirements, which may include system development charges (SDCs) and street frontage improvements. Please be sure to contact these departments for applicable requirements. The Building Division can be contacted at 503-786-7611, and the Engineering Department can be contacted at 503-786-7609.

How to Measure Building Height

The top of building shall be determined based on the specific roof types listed below.

1. Flat roof: Measure to the top of the parapet or, if there is no parapet, to the highest point of the roof. If a roof includes multiple flat roofs at different elevations, measure to the top of the highest parapet or highest point of the highest roof.
2. Mansard roof: Measure to the deck line.
3. Pitched, hipped, or gambrel roof where roof pitch is 12/12 or less: Measure to the average height of the highest gable.
4. Pitched or hipped roof with a pitch steeper than 12/12: Measure to the highest point.
5. Gambrel roof where both pitches are steeper than 12/12: Measure to the highest point.
6. Other roof shape, such as domed, vaulted, or pyramidal: Measure to the highest point.
7. Stepped or terraced building: Measure to the highest point of any segment of the building.

