



CITY OF MILWAUKIE

**Milwaukie Zoning Code
Proposed Amendments for
Accessory Dwelling Unit (ADU)
Amendments
November 2019
ZA-2019-002**

Municipal Code - Title 19 Zoning Ordinance

Subsection 19.910.1 Accessory Dwelling Units

Section 19.605 Vehicle Parking Quantity Requirements

Please contact Vera Kolas, Associate Planner with the City of Milwaukie Planning Department, at 503-786-7653 or koliasv@milwaukieoregon.gov with questions or comments about the proposed code amendments and/or the code adoption process

Reader Guide

Commentary

A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and highlights proposed policy changes. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

Amendments

Unless otherwise noted in the document, underlined text is proposed text, and ~~striketrough~~ text is existing code language proposed for deletion. Standards shown in [brackets] are those that still require Planning Commission discussion and direction.

Context/Surrounding Code

The chapter, section, and subsection for the proposed code amendments are listed for reference in this document. Line breaks, like the one below, between subsequent amendments indicate that there is intervening text within the section or subsection that is not included in this document.

Please be advised that this document shows only sections of code for which amendments are proposed, along with limited surrounding sections for context. It does not include all sections of the Milwaukie Municipal Code.

City code permits accessory dwelling units (ADU) in residential districts, subject to specific regulations. Currently, the City's zoning code requires the following for ADU's:

- Owner occupancy of either the primary home or the ADU; and
- An additional off-street parking space for the ADU.

The proposed amendments relate to a state requirement outlined in HB 2001 (<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>).

This section of the bill, which prohibits certain requirements for ADUs, amends ORS 197.312 and is therefore subject to the effective date of January 1, 2020.

The proposed revisions are intended to meet the amendments to ORS 197.312, effective January 1, 2020, related to "reasonable local regulations relating to siting and design" for ADUs.

The legislation allows communities to have reasonable regulations, but Section 7(5)b)(B) of House Bill 2001 specifically notes that local regulations cannot require owner-occupancy for either the primary structure or ADU, and cannot require ADUs to provide additional off-street parking (with the exception of ADUs used as vacation rentals).

In order to comply with this state requirement, the City is proposing limited amendments related specifically to the issues identified above:

- remove the owner occupancy requirement; and
- remove the requirement for an additional off-street parking space for properties with an ADU, unless the ADU will be used as a vacation rental.

These amendments would be effective on January 1, 2020, as required by the state.

Underline/Strikeout Amendments

Title 19 Zoning Ordinance

19.900 LAND USE APPLICATIONS

19.910 RESIDENTIAL DWELLINGS

This section contains applications for types of residential dwellings that require land use approval.

19.910.1 Accessory Dwelling Units

F. Additional Provisions

~~1. Either the primary or accessory dwelling unit shall be occupied by the owner of the property. At the time an accessory dwelling unit is established, the owner shall record a deed restriction on the property with the Clackamas County Recording Division that 1 of the dwellings on the lot shall be occupied by the property owner. A copy of the recorded deed restriction shall be provided to the Milwaukie Planning Department.~~

~~The Planning Director may require verification of compliance with this standard. Upon the request of the Planning Director, the property owner shall provide evidence, such as voter registration information or account information for utility services, to demonstrate residence in 1 of the dwelling units.~~

12. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.

23. Additional home occupations are allowed for a property with an accessory dwelling unit.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single-family dwellings, including rowhouses and manufactured homes.	1 space per <u>primary</u> dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing).		
a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone.	1 space per dwelling unit.	2 spaces per dwelling unit.
b. Dwelling units with more than 800 sq ft of floor area.	1.25 spaces per dwelling unit.	2 spaces per dwelling unit.

Proposed Code Amendment with Commentary

3. Residential homes and similar facilities allowed outright in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
4. Accessory dwelling units (ADU)—Types I and II.	Property containing an ADU and primary dwelling must have 2 spaces.	No maximum.
4. Accessory dwelling units (ADU)—Types I and II.	<u>No additional space required unless used as a vacation rental or short-term rental, which requires 1 space per rental unit.</u> Property containing an ADU and primary dwelling must have 2 spaces.	No maximum.