

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION	DATE: December 3, 2018
SUBJECT: Accessory Dwelling Unit Ordinance Adoption	ITEM NO: 5.4.2

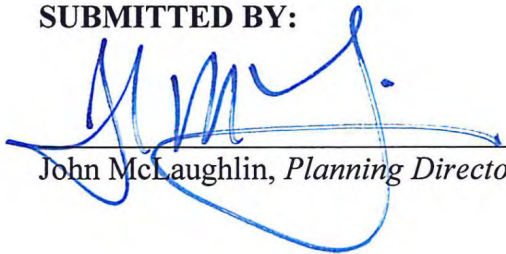
BACKGROUND: A public hearing was held on December 3, 2018 by the Bandon City Council regarding the Accessory Dwelling Unit (ADU) ordinance.

The background materials for that are found in the Council packet under Agenda Item 4.2.

RECOMMENDATION: Should the Council choose to adopt the ordinance as recommended by the Planning Commission, Staff recommends the following steps be taken:

1. Request the City Attorney to read Ordinance No. 1629 by title only.
2. Move to Pass Ordinance No. 1629 to second reading.
3. Request the City Attorney to read Ordinance No. 1629 by title only for the second time.
4. Move Adoption of Ordinance No. 1629.

SUBMITTED BY:



John McLaughlin, *Planning Director*

ORDINANCE NO. 1629

AN ORDINANCE AMENDING BANDON MUNICIPAL CODE TO ALLOW FOR ACCESSORY DWELLING UNITS, SPECIFICALLY AMENDING TITLE 16.42 – DEFINITIONS, AND TITLE 17 – ZONING.

WHEREAS, the Oregon State Legislature passed a bill mandating that all cities with a population greater than 2,500 shall allow the development of at least one accessory dwelling unit for each single-family dwelling in areas that are zoned for detached, single-family dwellings, subject to local siting and design standards; and

WHEREAS, the Planning Commission held a public hearing on October 25, 2018 on this matter in accordance with legal notice requirements and procedures; and

WHEREAS, the Planning Commission found the proposed ordinance amendment serves the public interest and is consistent with the Bandon Comprehensive Plan, and forwarded a recommendation of approval to the City Council; and

WHEREAS, the City Council did hold a public hearing on December 3, 2018 on this matter in accordance with legal notice requirements and procedures and directed that an ordinance be prepared to adopt the requested zoning code text amendment.

NOW, THEREFORE, THE CITY OF BANDON ORDAINS AS FOLLOWS:

Section 1. The Bandon Municipal Code Section 16.42.010 - Definitions - is modified as follows:

The definition for **“Accessory dwelling (attached separate cottage, or above detached garage)”** is deleted in its entirety and replaced with the following:

“Accessory Dwelling Unit” An interior attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. A maximum of one Accessory Dwelling Unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of the 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).

Section 2. Accessory Dwelling Units shall be listed as permitted uses, subject to the requirements of Chapter 17.104.020, in the following sections of the Bandon Municipal Code:

17.12.020 Residential 1 (R-1) Zone

17.16.020 Residential 2 (R-2) Zone

17.20.020 Controlled Development 1 (CD-1) Zone

17.24.020 Controlled Development 2 (CD-2) Zone

17.28.020 Controlled Development 3 (CD-3) Zone

17.32.020 Controlled Development Residential 1 (CD-R1) Zone

17.36.020 Controlled Development Residential 2 (CD-R2) Zone

Section 3. The Bandon Municipal Code Section 17.104 – SUPPLEMENTARY PROVISIONS - is modified as follows (deletions in ~~strikeout~~, new language in **bold**):

17.104.020 General provisions regarding accessory uses

- A. **Accessory Uses:** Accessory uses shall comply with all requirements of the ~~principal~~**primary** use except where specifically modified by this title and shall comply with the following limitations:
- ~~A. 1.~~ **1.** No sales shall be made from a greenhouse or hothouse maintained as accessory to a dwelling.
 - ~~B. A guest house may be maintained accessory to a dwelling, provided the parcel has adequate square footage to meet requirements of this title for two dwellings on a lot.~~
 - ~~C. 2.~~ **2.** A home occupation, when conducted as an accessory use to a dwelling in a residential zone, shall be subject to the following limitations:
 - ~~1.a.~~ **a.** No exterior display shall be permitted.
 - ~~2.b.~~ **b.** Exterior signs shall be restricted to those generally permitted in the zoning district in which the home occupation is located.
 - ~~3.c.~~ **c.** No exterior storage of materials shall be permitted.
 - ~~4.d.~~ **d.** There shall be no other exterior indication of the home occupation or variation from the residential character of the principal building.
- B. **Accessory Dwellings:** Accessory Dwellings are allowed as permitted uses in the following zones: R-1, R-2, CD-1, CD-2, CD-3, CD-R1, CD-R2, or anywhere single-family dwellings are outright permitted. Accessory dwellings shall comply with all requirements of the primary use except where specifically modified by the title and shall comply with the following limitations:
- 1. Accessory Dwelling Units are prohibited from use as a Vacation Rental Dwelling in all zones. Accessory Dwelling Units are also prohibited on properties designated as Vacation Rental Dwellings.**
 - 2. A detached Accessory Dwelling shall not exceed 650 square feet of floor area, or 40 percent of the primary dwelling's floor area, whichever is smaller.**
 - 3. An attached or interior Accessory Dwelling shall not exceed 650 square feet of floor area, or 40 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 650 square feet.**

- 4. *One additional off-street parking space, beyond the two required for a single-family dwelling, is required for an Accessory Dwelling.***

PASSED to a second reading this 3rd day of December, 2018 on a roll call vote,

_____.

ADOPTED by the City Council this 3rd day of December, 2018 on a roll call vote,

_____.

Mary Schamehorn, Mayor

Attest:

Denise Russell, City Recorder