

ORDINANCE 2020-04

AN ORDINANCE RELATING TO ACCESSORY DWELLING UNITS, AMENDING LAND DEVELOPMENT CODE ARTICLE I, “GENERAL PROVISIONS” AND ARTICLE IV, “DEVELOPMENT STANDARDS,” SECTIONS 1.6.30, 4.3.40, 4.9.40, 4.10.50 AND 4.10.60, DECLARING AN EMERGENCY

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Legislative Findings. The Council finds:

- a) The Council held a duly advertised public hearing on March 2, 2020, to consider the proposed Land Development Code (LDC) text amendment, in accordance with LDC § 1.2.80.03;
- b) The public necessity, convenience, and general welfare require the proposed LDC text amendment, in accordance with LDC § 1.2.80.01, because the amendment will align the LDC’s Accessory Dwelling Unit (ADU) provisions with ORS 197.312, will respond to LDC code audit findings associated with the need for clear and objective standards, and will help simplify the LDC and eliminate barriers to ADU development.
- c) The proposed LDC text amendment conforms with Article 3.2 “General Land Use”; Article 9.3 “Residential Land Development and Land Use”; Article 9.4 “Housing Needs”; Article 9.5 “Housing Affordability”; and Article 9.7 “Oregon State University Housing” of the Corvallis Comprehensive Plan, and complies with the Oregon Statewide Planning Goals, in accordance with LDC § 1.2.80.01.

Section 2. Emergency. Because ORS 197.312 provisions for accessory dwelling units related to owner occupancy and off-street parking became operative on January 1, 2020, City Council declares an emergency exists, and this ordinance shall be effective upon its passage by Council.

Section 3. Land Development Code Section 1.6.30 is amended as set out in Exhibit A to this Ordinance.

Section 4. Land Development Code Section 4.3.40 is amended as set out in Exhibit A to this Ordinance.

Section 5. Land Development Code Section 4.9.40 is amended as set out in Exhibit A to this Ordinance.

Section 6. Land Development Code Section 4.10.50 is amended as set out in Exhibit A to this Ordinance.

Section 7. Land Development Code Section 4.10.60 is amended as set out in Exhibit A to this Ordinance.

Section 8. Exhibit A to this Ordinance is attached and incorporated as part of this ordinance.

Section 9. No other provision in the Land Development Code is amended by this ordinance.

PASSED by the City Council this 2nd day of March, 2020

APPROVED by the Mayor this 3rd day of March, 2020

EFFECTIVE this 3rd day of March, 2020



Mayor

ATTEST:



City Recorder

ORDINANCE 2020-04

EXHIBIT A

Headings in this exhibit, corresponding to Sections 3 through 7 of this ordinance, are provided for reference, but will not be included in the text of the Land Development Code.

Section 3.

Section 1.6.30 - SPECIFIC WORDS AND TERMS

Building Types –

- b. Residential** - Group of building types comprising the following:
 - 1. Accessory Dwelling Unit - One dwelling unit, located on the same legally-created lot, parcel, or lot of record as, and used in connection with or accessory to, a primary dwelling unit. An Accessory Dwelling Unit may be interior to, attached to, or detached from the primary dwelling unit. Accessory Dwelling Units shall be subject to the provisions of Section 4.9.40 of this Code.

Section 4.

Section 4.3.40 - RESIDENTIAL USE TYPES

- a.** Accessory Structures must not have bedrooms or sleeping rooms except for detached ADUs built in accordance with the ADU standards of LDC Section 4.9.40. Accessory Structures must be detached from the primary residence, except for decks.

Section 5.

Section 4.9.40 - ACCESSORY DWELLING UNITS

Accessory Dwelling Units, hereafter called ADUs, are subject to the standards listed below.

- a.** The subject property is required to be a legally created lot, parcel, or lot of record. There is no minimum lot area or width required in order to develop an ADU.
- b.** The ADU will not exceed 900 square feet of floor area, or 85 percent of the primary dwelling's floor area, whichever is less.
- c.** The proposed ADU is required to meet City and Building Code water, sewer, and storm drainage regulations and standards.
- d.** The ADU is required to meet the height, lot coverage, and Green Area standards of the underlying zone as applicable to the primary dwelling unit, except that there is no Private Outdoor Space requirement for an ADU.
- e.** The ADU is required to meet the setback standards of the underlying zone as applicable to the primary dwelling unit, with exception of the following:

1. ADUs are not subject to maximum front yard setbacks; and
2. Minimum rear yard setbacks may be reduced to 10 feet in the RS-3.5 and RS-5 zones for a detached ADU meeting all of the following:
 - a. The ADU does not exceed 14 feet in height, and does not exceed “one story” as that term is defined by the Oregon Residential Specialty Code;
 - b. The ADU does not occupy more than 35 percent of a required yard area;
 - c. The ADU is located entirely outside of front and exterior side yards; and
 - d. If a façade faces a property line from which a setback has been reduced below the standard of the underlying zone, then no window openings on that façade are permitted above 7 feet, measured from adjacent finished grade to the top of each window opening.
- f. Additional off-street parking is not required for an ADU. However, development of an ADU shall not result in the loss of required parking for other existing uses on the site.
- g. Only one ADU shall be allowed on a lot, parcel, or lot of record. However, on properties containing multiple detached single-family dwellings, one ADU shall be permitted per detached single-family dwelling, provided that each ADU is attached to the primary dwelling unit.

[Section 4.9.40 amended by Ordinance 2012-16, effective December 13, 2012; amended by Ordinance 2014-18, effective December 11, 2014; amended by Ordinance 2018-16, effective June 25, 2018; amended by Ordinance 2020-XX, effective [date]]

Section 6.

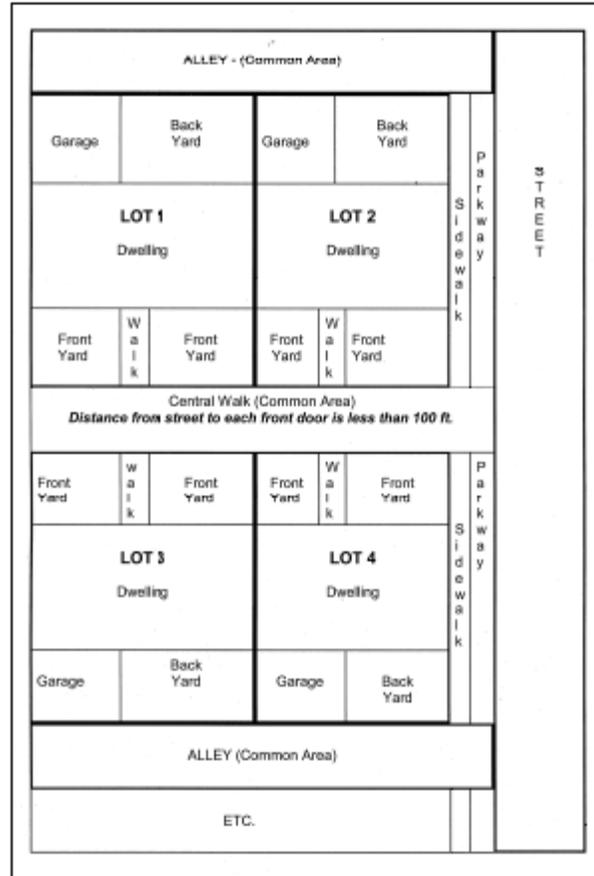
Section 4.10.50 - STANDARDS FOR DETACHED SINGLE-FAMILY, TWO-UNIT ATTACHED SINGLE-FAMILY, AND DUPLEX RESIDENTIAL BUILDING TYPES

4.10.50.01 - Building Orientation, Privacy, and Facades Adjacent to Pedestrian Areas

- a. Orientation of Dwellings** - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

The orientation standard of this Section is satisfied when the provisions in "1," or "2," below, are met. See Figure 4.10-1 - Allowed Access to Single-family Development When Lots Do Not Front Directly on a Street.

1. Primary building entrances face the streets or are directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 100 ft. long (distance measured along the centerline of the path from a public street right-of-way or private street tract), and primary dwelling unit entrances open directly to the outside and do not require passage through a garage or carport to gain access to the dwelling; or
2. Exception: For a Flag Lot, as defined in Chapter 1.6- Definitions (or a flag parcel), the primary building entrance is located within 100 ft. of the lot's (or parcel's) accessway.



b. Privacy - If the side wall of a dwelling is on or within three ft. of the property line, ground floor windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

c. Windows and Doors - Any facade facing streets, sidewalks, or multi-use paths shall contain a minimum area of 15 percent windows and/or doors. Facades referenced in this provision include garage

facades. Garage doors shall not be included as a door for purposes of this requirement. However, windows provided within a garage door can be included when calculating the window percentage requirement. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

d. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 7.

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.