

Accessory Structures Zoning Code Update

This detached ADU code update language on the next 5 pages is excerpted verbatim from the zoning code update, and is available in full at www.portlandoregon.gov/bps/ricap

These updates were approved by City Council on December 2nd, 2015 and will take effect on January 1st, 2016

-Kol Peterson, www.accessorydwellingstrategies.com

Changes by Structure Type

It should be noted that the following changes are generally specific to structures that are accessory to single-dwelling development. Accessory structures built in conjunction with more intense, or higher density development will generally need to meet existing setback and other standards. See the individual code sections for more detail.

Detached Covered Accessory Structures

Detached covered accessory structures include garages, carports, accessory dwelling units (ADUs), artist studios, storage buildings, and greenhouses. They include any accessory structure that is covered (i.e. a patio with a roof, a covered deck)

Regulations

- The changes allow small (< 24' of length within the 5' setback), single story (maximum 15 ft. high) detached, covered structures in the side and rear setback.
- These changes remove all design compatibility standards for detached ADUs that are less than 15'.
- Meanwhile, larger, detached ADUs over 15 ft. must revised design compatibility standards (see p.6)
- These changes increase the height limited on detached ADUs to 20ft. Other accessory structures, such as garages, which previously had height limits of 30ft, now have height limits that are reduced to 20ft.
- Currently, the regulation requires the ADU to be either at least 60 ft. from the front lot line or 6 ft. behind the house. The change amends this standard to 40 ft. from the lot line or directly behind the rear of the house.

Font legend for the following five pages:

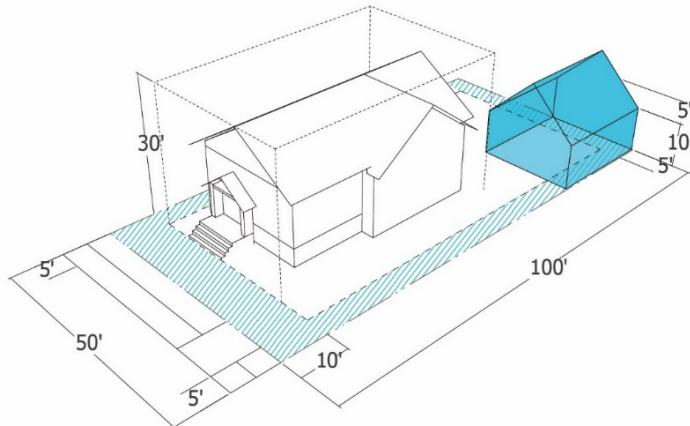
Commentary is in *Comic Sans Serif*; Added language is underlined; Deleted language is strikethrough

Kol Peterson's summary of changes to detached ADU codes,
excerpted from www.portlandoregon.gov/bps/ricap
December, 2015

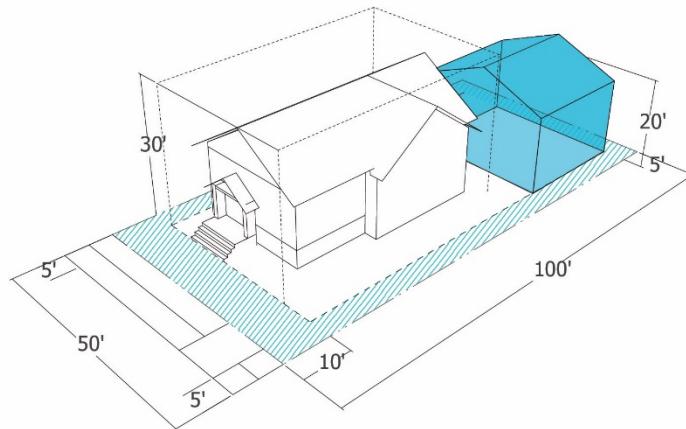
Additional Regulations for Detached Accessory Dwellings

- The proposal reduces the location requirements of detached ADUs. Currently the regulation requires the ADU to be either at least 60 ft. from the front lot line or 6 ft. behind the house. The change amends this standard to 40 ft. from the lot line or directly behind the rear of the house.
- The proposals do not change the requirement that the ADU can be no more than 75 percent of the primary house or 800 sq. ft. whichever is less.

The figures below provide a visual representation of the new standards for covered accessory structures.



This figure indicates the form and bulk of a detached accessory structure that can be in the setback. Under the current code, only a garage could be placed in this location. Under the amended code, the structure can be used for a variety of uses, including as a workshop, storage, living space/ADU or a home office.



This figure shows the form and bulk of a detached accessory structure under the new standards, which limit height to 20-ft for detached accessory structures. Under the current code, the structure could be up to 30 or 35 feet high depending on the single-dwelling zone. In addition, under the amended code, structures greater than 15-feet tall will need to meet additional compatibility standards.

2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.110.253.
 - a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.
 - b. In the R7, R5 and R2.5 zones, detached covered accessory structures other than water collection cisterns are allowed in the side and rear building setbacks if all of the following are met:
 - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
 - (2) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
 - (4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
 - (5) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening;
 - (6) Walls located within the setback do not have doors or windows facing the adjacent lot line;
 - (7) The structure does not have a rooftop deck; and
 - (8) Dormers are set back at least 5 feet from the side and rear lot lines.
3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures:
 - a. The combined building coverage of all detached covered accessory structures may not exceed 15 percent of the total area of the site; and
 - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.

C. Detached Covered Accessory Structures (continued)

2. **Setbacks.** Generally, detached covered accessory structures must meet the setback standards for the zone. This paragraph contains some exceptions. The amendments delete the exception allowing detached covered accessory structures under 6-ft in height to be within side and rear setbacks. The exception in 33.110.250.C.2.b, previously applicable only to garages, would apply to all small covered accessory structures. Thus, the special exception is not needed.
 - a. Water collection cisterns will continue to be allowed in side and rear setbacks as long as the cistern is no more than 6 feet tall.
 - b. This is an expansion of the current standard that allows garages (and accessory structures converted from garages) in the R7, R5 and R2.5 zones to be built within required side and rear setbacks, provided they meet certain size and height standards. The amendments allow for a wider range of detached covered accessory structures to be placed within the side and rear setbacks in those zones. The amendments remove the current regulatory distinction that treats garages and converted garages differently than other covered structures of the same size and height. For corner lots, the current garage side street setback of 25-feet is reduced to 20-feet to recognize the variety of existing lot widths. The 20-foot street setback still exceeds the standard 18-foot garage setback for structures that are outside of side and rear setbacks.

Additional standards will apply to these structures to limit potential impacts on adjoining properties. The standards include:

- Limiting the total length of structures within the setback to 24 feet, so that multiple structures cannot be built within the setback, which could have an adverse impact on neighboring properties.
 - Requiring structures that are not enclosed by walls within the setback to provide fencing or landscaping to screen potential visual or noise impacts made by activities or storage within the structure from adjoining neighbors.
 - Not allowing window or door openings to face the adjacent property line if within the setback.
 - Not allowing decks to be placed on top of structures within the setback.
3. **Building Coverage.** These provisions currently exist, but are moved from a different section of the code. They are not changing.

C. Detached covered accessory structures

6. Additional standards for detached covered accessory structures.

These are a new standards that apply to all covered accessory structures that are greater than 15-feet in height. A similar set of standards currently apply to all detached ADUs. The standards accomplish two things.

- They establish one set of design standards applicable to all detached covered accessory structures over 15-feet. Smaller structures, including ADUs, will not be subject to these special design standards. This will allow greater flexibility in the design and construction of smaller single-story accessory structures of all types including ADUs and multi-purpose accessory structures.
- They encourage high quality and compatible design materials for larger 2-story accessory structures regardless how the structure is used.

The standards include options so that the home owner or applicant can choose to match the existing materials and style of the primary structure, or provide an alternate design that results in a structure with design interest and compatibility. In general, the first option listed is from the standards that applied to all ADUs, while the second option is similar to a design standard from the Community Design Standards

4. Additional development standards for detached covered accessory structures. The following additional standards apply to detached covered accessory structures that are more than 15 feet high. Additions to existing structures that do not meet a standard are exempt from that standard.
 - a. Exterior finish materials. The exterior finish materials on the detached covered accessory structure must meet one of the following:
 - (1) The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the primary structure; or
 - (2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
 - b. Roof Pitch. The roof pitch of the detached covered accessory structure must meet one of the following:
 - (1) The predominant roof pitch must be the same as the predominant roof pitch of the primary structure; or
 - (2) The roof pitch must be at least 6/12.
 - c. Trim. The trim on the detached covered accessory structure must meet one of the following:
 - (1) The trim must be the same in type, size, and location as the trim used on the primary structure; or
 - (2) The trim around all windows and doors must be at least 3 1/2 inches wide.
 - d. Windows. The windows on all street facing facades of the detached covered accessory structure must meet one of the following:
 - (1) The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or
 - (2) Each window must be square or vertical – at least as tall as it is wide.
 - e. Eaves. The eaves on the detached covered accessory structure must meet one of the following:
 - (1) The eaves must project from the building walls the same distance as the eaves on the primary structure;
 - (2) The eaves must project from the building walls at least 1 foot on all elevations; or
 - (3) If the primary structure has no eaves, no eaves are required.