

Moved by Fritz and seconded  
by Fish: Vote to be taken  
December 2, 2015

*Amendment affects subparagraph b, below, by not allowing Accessory Dwelling Units to be placed within the side and rear setbacks in the R7, R5, and R2.5 zones. Other structures can be placed in the side and rear setbacks. (The new language is shown bolded/shaded.)*

12/2/2015  
MOTION NOT VOTED ON.  
Clerk.  
SP

### 33.110.250 Detached Accessory Structures

#### C. Detached covered accessory structures.

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 **and accessory dwelling units** 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.

## IMPACT STATEMENT

**Legislation title:** Improve land use regulations through the Accessory Structures Zoning Code Update Project (Ordinance; Amend Title 33)  
**Contact name:** Phil Nameny  
**Contact phone:** 503-823-7709  
**Presenter name:** Phil Nameny (BPS), Matt Wickstrom (BDS)

### **Purpose of proposed legislation and background information:**

The Accessory Structures Zoning Code Update Project is part of the Regulatory Improvement work program established by Resolution of the City Council in 2002. The purpose of the work program is to “update and improve City building and land use regulations that hinder desirable development”. This program is supportive of the City’s Comprehensive Plan policy 10.10 which seeks to ensure that zoning regulations are clear, concise, and consider the broad range of development situations.

The Accessory Structures Zoning Code Update revises the Zoning Code regulations for accessory structures with a focus on detached accessory structures, such as garages, covered patios, storage sheds, and accessory dwelling units. The amendments streamline the standards to create one set of regulations for all covered accessory structures that is based more on form (setbacks, height and bulk) rather than function (how the building is used).

### **Financial and budgetary impacts:**

The amendments streamline the regulations applicable to accessory structures by revising existing complex language to be based on more uniform criteria such as building form. The amendments will provide greater flexibility for the placement of various accessory structures which will result in cost savings to applicants and lessen the complexity of some permit reviews. There may be a decrease in land use review (Adjustment) applications which would result in decreased revenue and workload for Bureau of Development Services’ Land Use Services Division. Since the bulk of the changes are to the existing regulations, there is no anticipated additional cost in administering the new regulations. Decreases in land use review revenue are anticipated to be minor and workload may be shifted based on shifts in case volume.

### **Community impacts and community involvement:**

The amendments affect and benefit all parts of the city, although the majority of the benefits and impacts will occur in single-dwelling areas because the bulk of accessory structures are built in conjunction with houses. Property owners, residents and developers should benefit from greater clarity and predictability in the regulations that apply to detached accessory structures. Other changes address the potential visual impacts of these structures on neighboring properties.

Staff worked with a 16-member Focus Group to review the issues and proposals. The group included a collection of neighborhood representatives and small scale architects/builders. Staff met with 6 of the 7 neighborhood coalition offices, the Development Review Advisory Committee, Oregon Remodelers Association and other interested groups. Staff also attended the Residential Infill Expo held in Northeast Portland in June 2015 and held an open house in July 2015. Notice was sent to over 600 individuals about the proposed amendments. In general, the

bulk of the comments have been supportive of the changes. Some minor changes have been made to the draft in response to comments from the Focus Group and others.

The Planning and Sustainability held a hearing on September 22, 2015. Four people testified in person, and a couple additional letters were received. The Commission determined that the proposal struck the right balance between code simplicity and flexibility and voted to recommend approval as proposed by staff.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount