

Proposed Amendments to Toledo Municipal Code (TMC) Title 17

*Proposed additions to the text are underlined. Deletions are listed in ~~strikethrough~~.

The Oregon State Legislature passed House Bill (HB) 2001 during the 2019 regular session. This document outlines the anticipated changes for residential property within the City of Toledo. HB 2001 prevents local governments from requiring owner occupancy or parking for Accessory Dwelling Units (ADUs) as of January 1, 2020. The proposed changes to the TMC include the required removal of the owner occupancy and parking standards, and updating other ADU standards to remove barriers to ADU development in the City of Toledo.

The City of Toledo has two residential zones, the Single Family Residential Zone (R-S) and the General Residential Zone (R-G). The proposed changes include updating the ADU definition, updating the floor area maximum, allowing the conversion of non-conforming structures, removing the conditional use requirement, clarifying that manufactured dwellings may not be used as accessory dwelling units, and removing the similar color, appearance, and material standard. The existing floor area standards are restrictive and the proposed floor area standards allow larger units and allow the conversion of an entire floor. The proposed changes are intended to be clear and objective and follow Department of Land Conservation and Development (DLCD) guidance.

The proposed changes for the R-S and R-G zone are the same with the exception of two units being allowed within the R-G zone and ADU's in the R-G zone not being subject to the 1,800 square foot for each additional unit requirement. The minimum lot area in the R-G zone is 6,000 square feet plus 1,800 square feet for each additional dwelling unit. The additional 1,800 square feet for each additional dwelling unit is a barrier for ADU development and the R-S zone does not have an additional square footage requirement for additional units. The R-G zone allows multi-family outright and the purpose of the R-G zone includes allowing "higher density housing". The allowance of two accessory units and the removal of the 1,800 square foot requirement for each additional unit meets the intent of the zone.

The TMC ADU definition and proposed changes to the TMC are outlined below.

I. Toledo Municipal Code (TMC) 17.04.020(B) - Accessory Dwelling Units Defined

~~"Accessory dwelling unit" means a dwelling unit incidental and subordinate to the main dwelling unit. Examples include a studio apartment located over a garage or a one bedroom cottage located in the backyard. (TMC 17.04.020)~~

"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.

II. Toledo Municipal Code (TMC) 17.08.090(D) Single Family Residential Zone (R-S) – Special Standards for Certain Uses

Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:

- ~~A. Accessory Dwelling Units. One accessory dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, provided the following conditions can be met:~~
- A. One Unit.** 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 a 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).

B. Floor Area

- ~~1. Any additions shall not increase the gross floor area of the original dwelling by more than thirty five (35) percent. Gross floor area of the accessory unit shall not exceed thirty five (35) percent of the primary dwelling's total floor area, or six hundred fifty (650) square feet, whichever is the lesser.~~
1. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units 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 Unit would be more than 850 square feet.

C. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
1. ~~The owner(s) of the primary dwelling shall occupy at least one of the units.~~
2. No off-street parking is required for an Accessory Dwelling Unit.
1. ~~One additional off street parking space shall be provided in addition to the required parking for the primary dwelling.~~
3. Accessory Dwelling Units may not be a manufactured dwelling.
1. ~~Any accessory use and/or dwelling associated with a conditional use shall be allowed only after approval has been granted through the conditional use procedure. A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions for a code interpretation.~~

D. Design Standards

1. ~~Accessory dwelling units shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material of the primary dwelling.~~
2. Accessory Dwelling Units shall comply with fire and life-safety codes.

III. Toledo Municipal Code (TMC) 17.12.040(A) General Residential Zone (R-G) – Special Standards for certain uses

Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:

- ~~A. Accessory Dwelling Units. One accessory dwelling unit may be allowed in conjunction with a single family dwelling by conversion of existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, provided the following conditions can be met:~~
- A. **Two Units.** A maximum of two Accessory Dwelling Units are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling Unit, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

B. Floor Area

- ~~1. Any additions shall not increase the gross floor area of the original dwelling by more than thirty five (35) percent. Gross floor area of the accessory unit shall not exceed thirty five (35) percent of the primary dwelling's total floor area, or six hundred fifty (650) square feet, whichever is the lesser.~~
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D. Design Standards

1. ~~Accessory dwelling units shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material of the primary dwelling.~~
2. Accessory Dwelling Units shall comply with fire and life-safety codes.

IV. Toledo Municipal Code (TMC) 17.12.060 – Residential General (R-G) - Lot Size

- A. The minimum lot area shall be six thousand (6,000) square feet for a single-family dwelling plus one thousand eight hundred (1,800) square feet for each additional multi-family dwelling unit. Density in the R-G zone shall not exceed twenty-one (21) units per acre.

V. Toledo Municipal Code (TMC) 17.44.030(A)(7) – Vehicle Parking Standards

- ~~A. Accessory dwelling. One parking space required.~~