



# CITY OF LYONS

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## ORDINANCE NO. P10-67-2020

### AN ORDINANCE AMENDING TITLE 18 “ZONING” OF THE LYONS MUNICIPAL CODE

WHEREAS, the Lyons City Council has adopted and authorized accessory dwelling units within the City’s residential zones in order to provide an additional housing option for local residents; and

WHEREAS, the Oregon Department of Land Conservation and Development (DLCD) updated their Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement, HB 2001, which established that off-street parking and owner-occupancy requirements are not “reasonable local regulations relating to siting and design.”; and

WHEREAS, the Lyons City Council concurs with the DLCD recommendations,

WHEREAS, further DLCD Guidance does not include limiting ADUs to the main floor of the dwelling,

NOW, THEREFORE, the City Council of the City of Lyons hereby ordains as follows:

**SECTION 1.** Section 18.30.045 of the Lyons Municipal Code to establish standards for an accessory dwelling is hereby amended to read as follows:

***Section 18.30.045 Accessory Dwelling Standards.*** An accessory dwelling shall conform to all of the following standards:

A. ***One Accessory Dwelling Unit Per Site.*** A maximum of one accessory dwelling is allowed per legal single-family dwelling. The accessory dwelling unit may be either

1. a detached building, or

2. located in a portion of an attached accessory structure (e.g. above a garage or in a workshop), or
3. a unit attached to or interior to the primary dwelling (e.g. an addition to or the conversion of a portion of the primary dwelling).

**B. Floor Area of the Accessory Dwelling.**

1. A detached accessory dwelling shall not exceed 900 square feet of floor area.
2. An attached or interior accessory dwelling shall not exceed 900 square feet of floor area. 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 900 square feet.

**C. Other Development Standards.**

1. Basic Zoning Requirements. An accessory dwelling shall meet all other development standards (e.g. height, setbacks, lot coverage, architectural design standards, etc.) for building in the zoning district.
2. Other Development Requirements. The accessory dwelling shall comply with all of the following standards:
  - a. No additional off-street parking spaces are required for an accessory dwelling unit.
  - b. The on-site sewage disposal system must have adequate capacity to serve both the primary dwelling and the accessory dwelling unit and the proposed accessory dwelling unit is located so it does not impact the septic drain field. The applicant shall provide a written certification from the Linn County Environmental Health Department that the proposal complies with on-site disposal system requirements.
  - c. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided that the conversion does not increase the non-conformity;
  - d. A Recreational Vehicle (RV) may not be used as an accessory dwelling.
  - e. The temporary placement of a manufactured home as an accessory dwelling to allow for care of a resident due to a medical hardship or for elder care is permitted subject to the provisions of LMC 18.30.130.

**SECTION 2. SEVERABILITY**

This ordinance is hereby declared to be severable. Should any section, clause, sentence or phrase

of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

This Ordinance read by title only on 28<sup>th</sup> day of January 2020.

This Ordinance passed by the Lyons City Council this 28<sup>th</sup> day of January 2020.

APPROVED: COPY  
\_\_\_\_\_  
Lloyd Valentine - Mayor  
City of Lyons, Oregon  
  
Date: \_\_\_\_\_

ATTEST:  
By: COPY  
\_\_\_\_\_  
Micki Valentine - Recorder  
City of Lyons, Oregon  
  
Date: \_\_\_\_\_