

applicable.

(8) Tents, yurts, and similar temporary structures are not allowed to be used for the temporary shelter land use.

[Added Sec. 7, Ord. No. 2018-113, Sept. 20, 2018.]

10.820 **Two Single-Family Residences in Lieu of Duplex.**

In those zones where permitted, two single-family residences may be located on a single parcel in lieu of a multi-family duplex. [Added, Section 2, Ord. No. 7896, June 15, 1995.]

10.821 **Accessory Dwelling Unit (ADU).**

For the purposes of this Chapter, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, shall not be considered a duplex or multiple-family dwelling. ADUs are defined as either:

Accessory Dwelling Unit - Attached (ADU-A). An ADU-A is attached to the primary dwelling unit by a shared wall or as an additional story above the primary dwelling unit.

Accessory Dwelling Unit - Detached (ADU-D). An ADU-D shares no common walls with the primary dwelling or the ADU-A.

(A) ADU General Standards

The following standards apply to all ADUs and shall be required. They are as follows:

- (1) ADUs shall not be counted in residential density calculations.
- (2) An ADU within the Historic Preservation Overlay shall be subject to applicable reviews as identified in this Code.
- (3) A development's Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.

(B) ADU Development Standards. In addition to other applicable standards of this code, ADUs shall comply with the following development standards:

- (1) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
 - (a) Lot coverage, as determined by the subjects parcel's zoning may be exceeded by up to 10%. The additional coverage allowance is exclusively for the ADU and shall not be used for any other structures.
- (2) One ADU shall be allowed per dwelling unit and only in conjunction with the following dwelling unit type(s):
 - (a) A detached single-family dwelling
 - (b) An attached single-family dwelling, divided by a lot line, including:
 - (i) duplexes
 - (ii) townhouses
 - (c) A manufactured dwelling located on an individual lot

The dwelling unit types identified shall be considered the "primary dwelling." Under no circumstance will more than one ADU associated with each primary dwelling be permitted.

(3) The ADU may be created through conversion of an existing structure or construction of a new structure that is either attached to the primary dwelling or detached. Existing structures may be nonconforming, meeting the standards of 10.032-10.037 and subject to approval by the

Building Official and the Planning Director.

(4) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the primary dwelling, or 900 square feet, whichever is less.

(5) Conversion of existing habitable space within the primary dwelling to an Attached ADU (ADU-A) may not be subject to the provision of 10.821(B)(4). When deviating from 10.821(B)(4) the ADU-A shall be 50 percent or less in GHFA than the primary dwelling.

(6) A primary dwelling shall adhere to the parking standards in Table 10.743-1. No additional parking shall be required for an ADU. When existing primary dwellings do not meet the standards of Table 10.743-1 a reduction of the required off-street parking shall not exceed one space if one of the below conditions is met:

(a) The subject parcel is within the Central Business (CB) Overlay or other established Transit Oriented Districts (TODs) as established by the Transportation System Plan (TSP); or

(b) The subject parcel is within a quarter (1/4) mile radius of a transit stop; or

(c) The subject parcel is within a half (1/2) mile radius of an existing bicycle facility including a bicycle lane, multi-use/shared-use path or a neighborhood bikeway; or

(d) The subject parcel has at least 24 feet of lot frontage with on-street parking available, excluding any area considered to be a part of the driveway width/throat; or

(e) The subject parcel is unable to comply with off-street parking standards due to existing structures built prior to January 1, 2019.

(7) When alley access is available, the ADU shall take vehicle access from the alleyway, unless off-street parking need not be constructed to comply with other provisions of this Code.

(C) Siting ADUs in Multi-Family and Commercial Zones

ADUs shall be permitted in multi-family and commercial zones when the following apply:

(1) The primary use on the property is a primary dwelling as provided for in 10.821(B)(2).

(2) A primary dwelling, as provided for in 10.821(B)(2), in the multi-family zones that meets the standards of Section 10.826 shall be permitted an ADU meeting the standards of this Section.

(D) Illegal ADUs

It is the intent of subsection 10.821(D) to offer a land use review process to convert illegal ADUs to a nonconforming structure or use. Any such ADU shall adhere to the following:

(1) Illegal ADUs seeking conversion to a nonconforming structure or use shall have been constructed prior to January 1, 2019. The owner, not the City, has the burden of proving that any illegal ADU structure or use was occupied, constructed and/or used prior to January 1, 2019.

(2) All applicable permits and utility connections required by Medford Municipal Code for the illegal ADU shall be obtained prior to the issuance of any Certificate of Occupancy or other required licensed for occupancy of the ADU.

(3) All building, fire, life and safety codes shall be met.

(4) If the standards of Article V of the Medford Land Development Code otherwise cannot be met, the land use approval for an illegal ADU shall be subject to the land use review procedures of the Type III, Exception land use review (Section 10.186). The applicable Exception criteria for converting an illegal ADU shall be 10.186(B)(1-3).

(5) An illegal ADU converted to a legal structure or use per 10.821(D)(4) in this subsection shall be considered a nonconforming ADU once all standards of 10.821(D)(1-4) have been met.

[Added, Section 2, Ord. No. 7977, Oct. 19, 1995; Amd. Sec. 6, Ord. No. 2004-259, Dec. 16, 2004; Amd. Sec. 4, Ord. No. 2018-132, Dec. 20, 2018.]