



“Affordable rental unit” means that the rent charged for the dwelling unit does not exceed 23% of the qualifying annual net income.

“Accessory dwelling unit (ADU)” means a separate dwelling unit contained within or detached from a single-family dwelling on a single lot, containing 1000 square feet or less, excluding any garage area or accessory buildings, and sharing a driveway with the primary dwelling unless from an alley. A recreational vehicle cannot be used as an accessory dwelling unit.

“Accessory dwelling unit occupant” means the renter of the ADU.

“Qualifying annual income” means annual net income that does not exceed 80% for ownership and 60% for rentals of the area median income as determined by the United States Department of Housing and Urban Development (HUD).

### **17.180.030 Density bonus.**

When applying to create a subdivision or planned unit development (PUD), the option of using a density bonus is available based on the following criteria:

Residential developments may devote 20% of the proposed lots to affordable housing pursuant to the following requirements:

1. In the following Residential zones; SR, R-1, R-MH, a density bonus for up to 20% of the proposed lots would allow a minimum lot area for each dwelling unit of 4,000 square feet. No specific minimum lot width is required.

2. In the following Residential zones; R-2, R-3, a density bonus for up to 20% of the proposed lots would allow a minimum lot area of 5,000 square feet for the first two dwelling units and for each additional unit, the lot area shall increase by 1000 square feet. No specific minimum lot width is required

3. All other provisions and requirements of the zoning district shall apply.

4. Any lots created using the Density Bonus lesser square footage requirement must site a dwelling unit in compliance with one of the following options:

A. Affordable housing for purchase. Dwelling units designated as affordable housing available for purchase shall:

1. Only be sold to individuals or families whose annual net income does not exceed 80% of the area median income as determined by HUD; and

2. Have a mortgage payment not to exceed 30% of the monthly net income as outlined below:

a. Studio Apartment – 1 person qualifying monthly income

b. 1 bedroom – 2 person qualifying monthly income

c. 2 bedrooms – 4 person qualifying monthly income

d. 3 bedrooms – 6 person qualifying monthly income

e. 4 bedroom – 7 person qualifying monthly income; and

3. Have a deed restriction signed and recorded establishing a period of affordability of not less than 15 years. In no event will a purchaser be required to sell the unit subject to this agreement for less than the purchase price plus any applicable closing costs and realtor fees. If an owner of a dwelling unit subject to this deed restriction decides to rent the unit, 17.180.030 (B), below, is applicable.

B. Affordable housing for rent. Dwelling units designated as affordable housing available for rent shall:

1. Only be rented to individuals or families whose annual net income does not exceed 60% of the area median income as determined by HUD; and

2. Have the rent charged not exceed 23% of the qualifying family net income as outlined below:

a. Studio Apartment – average of the 1 & 2 person qualifying monthly income.

b. 1 bedroom – average of the 2 & 3 person qualifying monthly income.

c. 2 bedrooms – average of the 3, 4, & 5 person qualifying monthly income.

d. 3 bedrooms – average of the 4, 5, 6, & 7 person qualifying monthly income.

e. 4 bedrooms – average of the 5, 6, 7, & 8 person qualifying monthly income; and

3. Have a deed restriction signed and recording establishing a period of affordability of not less than 15 years.

4. An annual registration fee, set by resolution of the City Council, must be paid and a copy of the current rental agreement provided to the City. Beginning January 1<sup>st</sup> of each year the City will conduct an annual review of registered affordable rentals to ensure compliance. Properties determined to be non-compliant shall be subject to abatement pursuant to BMC 8.15.090.

5. With any change of tenants new qualifying information must be provided to the City.

**17.180.040 Accessory dwelling unit.**

The Site Plan Committee shall authorize an Accessory Dwelling Unit (ADU) only if it is found that all of the following general requirements are and will be met by the applicant.

A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as an accessory use.

B. Only one ADU may be created per parcel accessory to the single-family dwelling;

C. Only the property owner may apply for an ADU. The property owner must occupy the primary dwelling as their primary residence. A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes, or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies the primary dwelling. A deed restriction shall be recorded and a copy provided to the City declaring the Accessory Dwelling Unit status of the subject property.

D. The rental of an ADU must comply with 17.180.030 (4) (B), Affordable housing for rent, BMC.

E. An owner may convert an ADU to another lawful accessory use. If the owner wishes to re-convert the space to a dwelling unit, it may only be used in compliance with the ADU requirements.

F. One off-street parking space shall be provided for the ADU in addition to the two off-street parking spaces required for the primary dwelling pursuant to BMC 17.88.

G. ADU's shall contain 1,000 square feet or less.

H. All other applicable standards for the zone including, but not limited to setbacks, must be met with the exception of requiring a garage.

I. An annual ADU registration fee, set by resolution of the City Council must be paid. Upon sale of the property, the new owner shall be required to reregister the ADU.

J. If a garage or detached structure does not currently meet setbacks, it may not be converted to an ADU.

K. The owner of the property shall pay System Development Charges (SDC) for the additional dwelling unit and accept full responsibility for sewer and water bills.

L. Neither the ADU nor the primary dwelling may be used as a short-term rental.

M. Beginning January 1<sup>st</sup> of each year the City will conduct an annual review of registered ADUs to ensure compliance. Properties determined to be in non-compliance shall be subject to abatement pursuant to BMC 8.15.090.

**17.180.050 System Development Charge (SDC) deferrals.**

The City of Brookings will offer SDC deferrals to developers of housing projects that contain affordable units as defined in 17.180.020, BMC pursuant to the following requirements:

A. SDC deferrals will be offered for a period of two (2) years at a 0% interest rate. Developers utilizing this incentive will be required to sign a Promissory Note and System Development Charge Deferral Agreement with the City of Brookings. The SDC Deferral Agreement must be recorded and a copy provided to the City.

B. SDCs will be due in full or will need to be financed with the City of Brookings prior to transfer of ownership or at the end of the two (2) years deferral period.

C. The rental of a dwelling unit with a SDC deferral must comply with 17.180.030 (4) (B), Affordable housing for rent, BMC.

First reading: October 27, 2008

Second reading: October 27, 2008

Passage: October 27, 2008

Effective date: November 26, 2008

Signed by me in authentication of its passage this 28<sup>th</sup> day of October, 2008.

  
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Mayor Larry Anderson

ATTEST:  
  
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City Recorder Joyce Heffington