

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING ACCESSORY DWELLINGS; REPLACING THE TERM “SECONDARY DWELLING” WITH “ACCESSORY DWELLING” THROUGHOUT THE EUGENE CODE 1971; MAKING ADDITIONAL AMENDMENTS TO SECTIONS 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.3060, 9.3065, 9.3115, 9.3125, 9.3126, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3625, 9.3626, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.3970, 9.6410 AND 9.8030 OF THAT CODE; ADDRESSING THE OREGON LAND USE BOARD OF APPEALS’ REMAND OF ORDINANCE NOS. 20594, 20595, AND 20625; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The term “secondary dwelling” is replaced with “accessory dwelling” (including grammatical revisions for plural and a/an agreement) throughout the Eugene Code, 1971. Where this change occurs in the Code sections further amended by this Ordinance, this change is also shown.

**Section 2.** The following definitions in Section 9.0500 of the Eugene Code, 1971, are amended to provide as follows:

**9.0500** **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

**Accessory Building.** Any authorized, detached building subordinate to the main building on the same development site. In addition, for the purposes of EC 9.2700 through 9.2751, in the R-1 zone, an accessory building that shares a common wall with the primary dwelling for less than 8 feet is considered a detached accessory building. ***An accessory dwelling is not an accessory building.***

**Dwelling, [Secondary] Accessory.** ~~[A dwelling unit that is located on the same lot as a primary one-family dwelling that is clearly subordinate to the primary one-family dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot. Either the secondary dwelling or the primary dwelling must be occupied by the property owner.]~~ ***An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.***

**Kennel.** An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and *an* ~~[secondary]~~ **accessory** dwelling ~~[unit],~~ the “premises” means the lot. ~~[(See EC 9.2751(17)(a)6. and (c)10.)]~~

**Section 3.** The “Dwellings” subsection in the “Residential” section in Table 9.2010 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.2010 Agricultural Zone Uses and Permit Requirements</b>	
	<b>AG</b>
<b>Residential</b>	
<b>Dwellings</b>	
One-Family Dwelling, 1 Per Lot	P
<b><i>Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</i></b>	<b><i>P(2)</i></b>

**Section 4.** Section 9.2011 of the Eugene Code, 1971, is amended to provide as follows:

**9.2011 Special Use Limitations for Table 9.2010.**

- (1) Permitted in the AG zone, subject to the PRO zone standards in EC 9.2640.
- (2) ***Permitted in the AG zone, subject to the standards for accessory dwellings at EC 9.2751(17).***

**Section 5.** The following entries under the “Residential” section in Table 9.2740 of the Eugene Code, 1971, are amended to provide as follows:

<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	R-1	R-1.5	R-2	R-3	R-4
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings <del>[, including secondary dwellings;]</del> shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
<del>[Secondary] Accessory Dwelling [(Either Attached or Detached from Primary One-Family Dwelling on Same Lot)]</del>	P(2)		<b><i>P(2)</i></b>	<b><i>P(2)</i></b>	<b><i>P(2)</i></b>

**Section 6.** Subsection (2) of Section 9.2741 of the Eugene Code, 1971, is amended to provide as follows:

**9.2741 Special Use Limitations for Table 9.2740.**

- (2) ~~[Secondary] Accessory Dwellings. [Secondary] One accessory dwelling[s are only permitted in R-1 and] is allowed for each detached one-family dwelling on the same lot, subject to the standards [beginning] at EC 9.2750 and EC 9.2751[, except that new [secondary] accessory dwellings are prohibited on alley access lots].~~

**Section 7.** The following entries under the “Maximum Building Height,” “Minimum Building Setbacks,” “Maximum Lot Coverage” and “Secondary Dwellings” sections in Table 9.2750 of the Eugene Code, 1971, are amended to provide as follows:

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
[Secondary] <b>Accessory Dwelling</b>	See (17)	--	<del>See (17)</del>	<del>See (17)</del>	<del>See (17)</del>
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
Interior Yard Setback for [Secondary] <b>Accessory Dwellings</b>	See (17)	--	<del>See (17)</del>	<del>See (17)</del>	<del>See (17)</del>
<b>Maximum Lot Coverage (17), (18)</b>					
Lots with [Secondary] <b>Accessory Dwellings (Area-Specific)</b>	See (17)(c)	--	--	--	--
<b>[Secondary] Accessory Dwellings (17)</b>					
General Standards	See (17)(a) and (b)	--	<del>See (17)(a) and (b)</del>	<del>See (17)(a) and (b)</del>	<del>See (17)(a) and (b)</del>
Area-Specific	See (17)(c)	--	--	--	--

**Section 8.** Figure 9.2751(16)(b)(3) is amended as shown in Exhibit A attached to this Ordinance; Figure 9.2751(17)(a)3.b.(2)(A), Figure 9.2751(17)(a)3.b.(2)(B) and Figure 9.2751(17)(a)3.c.(2), attached to this Ordinance at Exhibit A, are added; and Subsections (1), (17) and (18) of Section 9.2751 of the Eugene Code, 1971, are amended to provide as follows:

**9.2751 Special Development Standards for Table 9.2750.**

**(1) Density.**

- (a) The minimum residential density requirements set forth in Table 9.2750 do not apply to:
1. ~~Attached secondary]~~ **Accessory** dwellings ~~[in R-1];~~
  2. Lots zoned R-2 that are less than a half-acre (21,780 square feet) and that were created before August 24, 2017;
  3. Lots or development sites in the R-3 or R-4 zones that are developed and are 13,500 square feet or less in size;
  4. Lots within a # overlay zone as described in EC 9.4050 to EC 9.4065; or
  5. Dwellings exclusively for low income individuals and/or families where all units are subsidized. For this purpose, low income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban

Development. For these types of dwellings the minimum density is 10 units per net acre.

(Refer to Table 9.2750 Residential Zone Development Standards for the required net area per dwelling unit.)

- (b) *The maximum residential density requirements set forth in Table 9.2750 do not apply to accessory dwellings.***
- (bc)** For purposes of this section, "net density" is the number of dwelling units per acre of land in actual residential use and reserved for the exclusive use of the residents in the development, such as common open space or recreation facilities.
- (ed)** For purposes of calculating net density:
  - 1. The acreage of land considered part of the residential use shall exclude public and private streets and alleys, public parks, and other public facilities.
  - 2. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number.
  - 3. In calculating the maximum net density allowed for a specific lot or development site the planning director shall round up to the next whole number only for:
    - a. A lot or development site that is 13,500 square feet or more in area;
    - b. A lot or development site that is not abutting the boundary of, or directly across an alley from land zoned R-1; and
    - c. Fractions of .75 or above.In all other circumstances, the planning director shall round down to the previous whole number.
  - 4. At the request of the developer, the acreage described in 1., above, also may exclude natural or historic resources. For purposes of this section, natural resources include those designated for protection in an adopted plan and the area within natural resources protection or conservation setbacks that have been applied to the development site. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as "primary" or "secondary." It may also include additional natural or historic resources upon approval of the planning director.
- (de)** Legally established buildings and uses conforming to the residential net density requirements in the R-2, R-3 and R-4 zones on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the R-2, R-3, and R-4 zones on which residential buildings and uses existed, or in which a development permit or land use application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards of this section.
- (ef)** Provided the number of dwelling units are not reduced below the number present at the time of historic landmark designation, changes in the

number of dwelling units within the historic property are exempt from the residential net density minimums.

\* \* \*

**(17) [Secondary] Accessory Dwellings[-in R-4].**

(a) **General Standards for Attached [Secondary] Accessory Dwellings.**

Except as provided in subsection (c) below, [secondary] **attached accessory** dwellings [that are within the same building as the primary dwelling] shall comply with all of the following:

~~1. Lot Area. To allow a secondary dwelling, flag lots shall contain at least 12,500 square feet, excluding the pole portion of the lot, and shall have a minimum pole width as required under EC 9.2775(5)(e). All other lots shall contain at least 6,100 square feet.]~~

21. **Building Size.** The total building square footage of an [secondary] **accessory** dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

32. **Building Height/Interior Setback.** Except for [secondary] **accessory** dwellings on flag lots (see EC 9.2775), the following standards apply:

a. For **any portion of an** attached [secondary] **accessory** dwelling[s] located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750.

b. For **any portion of an** attached [secondary] **accessory** dwelling[s] located greater than 60 feet [of] **from** a front lot line, [interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3.)] **the following standards apply:**

(1) **Except as provided in subsection (2) below, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3. Building Height/Interior Setbacks)**

(2) **For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (See Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation**

**& Sloped Setback for Sloped Lots), the following standards apply:**

**(A) For an interior lot line that is not addressed in (2)(B) below or an interior lot line that abuts an alley, the minimum interior yard setback from that lot line is 5 feet and the maximum building height is 25 feet.**

**(B) Where an interior lot line abuts property that is zoned R-1, R-1.5, S-C/R-1 or S-RN/LDR, the interior yard setbacks shall be at least 5 feet. In addition, at a point that is 18 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet. If the building is setback a minimum of 20 feet from an interior property line, the sloped portion of the setback does not apply along that property line. (See Figure 9.2751(17)(a)2.b.(2)(B) Accessory Dwelling Above Garage)**

**c. Exceptions. If the accessory dwelling is above a garage or on a slope as described in EC 9.2751(17)(a)2.b.(2) above, the following exceptions apply:**

**(1) An accessory dwelling may intrude into the 5-foot interior yard if a 10-foot separation exists between the accessory dwelling and buildings on the abutting lot and if the owner of the accessory dwelling has secured and recorded in the office of the Lane County Recorder a maintenance access easement adjacent to the intruding side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends and require the continuation of a 10-foot separation between buildings on the separate lots. The easement shall be on a form provided by the city and be subject to payment of a fee set by the city manager.**

**(2) An accessory dwelling's dormers may intrude into the sloped portion of any interior yard setback if:**

**(A) The total width of all dormers does not exceed fifty percent of the width of the roof on which the dormers are located (for hipped roofs, the width of the roof shall be measured at the eave); and**

**(B) The walls of the dormer(s) are set back a minimum of 2 feet from the face of all exterior building walls of the accessory dwelling.**

**(See Figure 9.2751(17)(a)2.c.(2) Dormer Placement & Size Calculation)**

**ed. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in**

subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.

43. Minimum Attachment. The [~~secondary~~] **accessory** dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
- ~~5. Maximum Bedrooms. The secondary dwelling shall contain no more than 2 bedrooms.~~
- ~~6. Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~
- ~~7. Ownership/Occupancy Requirements. Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.~~
- ~~8. Temporary Leave. Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).~~
- ~~9. Deed Restriction. Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a~~

reference to the deed under which the property was acquired by the present owner and include the following provisions:

- a. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.
- b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
- c. The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.

10. Verification. At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 7. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.]

114. Additional Standards for [Secondary] Accessory Dwellings on Flag Lots. [Secondary] Accessory dwellings on flag lots are also subject to the standards at EC 9.2775(5)(e).

(b) General Standards for Detached [Secondary] Accessory Dwellings. In addition to the standards in subsection (a) of this section, detached [secondary] accessory dwellings shall comply with the following, except as provided in subsection (c) below:

1. Building Size. **For an accessory dwelling located above a garage, up to 800 square feet of unheated garage or other unheated storage space attached to the accessory dwelling is allowed and is not counted in the total building square footage for the accessory dwelling. For other accessory dwellings, [U] up to 300 square feet of un[-]heated garage or other unheated storage space attached to the [secondary] accessory dwelling [unit] is allowed and is not counted in the allowable total building square footage for the accessory dwelling.**
2. Pedestrian Access. A pedestrian walkway shall be provided from the street or alley to the primary entrance of the [secondary] accessory dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.
3. Primary Entrance. The primary entry to an [secondary] accessory dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
4. Outdoor Storage/Trash. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
5. Building Height/Interior Setback. Except for [secondary]



**accessory** dwellings on flag lots (see EC 9.2775), the following standards apply:

- a. **Except as provided in subsection b. below**, [4] interior yard setbacks shall be at least 5 feet. In addition, at a point that is [8] 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet. **(See Figure 9.2751(16)(b)3. Building Height/Interior Setbacks)**
  - b. **For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (see Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation & Sloped Setback for Sloped Lots), the standards at EC 9.2751(17)(a)2.b.(2) and EC 9.2751(17)(a)2.c. apply.**
  - ~~b.c.~~ The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. **or b.** above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **[(See Figure 9.2751(16)(b)3.)]**
  - ~~c.~~ This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).]
6. **Maximum Wall Length.** Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).
- (c) **Area-Specific [Secondary] Accessory Dwelling Standards. Except as provided in this subsection (c), the standards at (a) and (b) do not apply to accessory dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.** The following standards apply to all new attached or detached [secondary] **accessory** dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
- ~~1.~~ **Lot Area.** To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.
  - ~~2.~~ **Lot Dimension.** The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.]
  - ~~3~~1. **Lot Coverage.** The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
  - ~~4.~~ **Vehicle Use Area.** The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of

~~the total lot area.]~~

52. Building Size. For lots [at least 7,500 square feet and] less than 9,000 square feet in area, the [secondary] **accessory** dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the [secondary] **accessory** dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. **For an accessory dwelling located above a garage, up to 800 square feet of unheated garage or other unheated storage space is allowed and is not counted in the total building square footage for the accessory dwelling.**
63. Minimum Attachment. The standards at EC 9.2751(17)(a)43. are applicable.
74. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the [secondary] **accessory** dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the [secondary] **accessory** dwelling shall be limited to 1 bedroom.
- ~~8. Maximum Occupancy. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.]~~
95. Building Height/Interior Setback. [~~For detached secondary dwellings:]~~
- a. [~~The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.] **The standards at EC 9.2751(17)(b)5.a. and b. are applicable to detached accessory dwellings.**~~
- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in [4]a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

**[(See Figure 9.2751(16)(b)3.)**

- ~~10. Dog Keeping. The standards at EC 9.2751(17)(a)6. are applicable.~~
- ~~11. Ownership/Occupancy Requirements. The standards at EC 9.2751(17)(a)7. are applicable.~~
- ~~12. Temporary Leave. The standards at EC 9.2751(17)(a)8. are applicable.~~
- ~~13. Deed Restriction. The standards at EC 9.2751(17)(a)9. are applicable.~~
- ~~14. Verification. The standards at EC 9.2751(17)(a)10. are applicable.~~
- ~~15. Parking. For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall~~

be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.

- ~~16. Alley Access Parking and Driveway. The standards at EC 9.2751(18)(a)11. are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.]~~
  - ~~176. Pedestrian Access. The standards at EC 9.2751(17)(b)2. are applicable to attached and detached [secondary] **accessory** dwellings[, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley].~~
  - ~~187. Primary Entrance. The standards at EC 9.2751(17)(b)3. are applicable to detached [secondary] **accessory** dwellings only.~~
  - ~~198. Outdoor Storage/Trash. The standards at EC 9.2751(17)(b)4. are applicable to detached [secondary] **accessory** dwellings only.~~
  - ~~209. Maximum Wall Length. The standards at EC 9.2751(17)(b)6. are applicable to detached [secondary] **accessory** dwellings only.~~
  - (d) Adjustment Review. [~~The standards at [EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, a]~~An adjustment may be requested to convert an existing building into an **an** [secondary] **accessory** dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For [secondary] **accessory** dwellings, these are the only standards that may be adjusted. [~~With the exception of EC ]9.2751(17)(a)8. regarding temporary leave, t] These standards are not adjustable for [secondary] **accessory** dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.~~
  - (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.
- (18) Alley Access Lots in R-1.**
- (a) General Standards.
    1. Applicability. Except as provided in (b) **and (c)** below, the following standards apply to development on alley access lots in R-1.
    2. Use Regulations. Alley access lots have the same land use regulations as the base zone [~~except that there is no allowance for an accessory dwelling~~].
    3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
    4. Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
    5. Building Height/Interior Setback.
      - a. Interior yard setbacks shall be at least 5 feet, including along

the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 18 feet.

- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.  
(See Figure 9.2751(16)(b)3.)
  - c. These standards may be adjusted in accordance with EC 9.8030(35).
6. Windows, Dormers and Balconies.
- a. Any window on the upper story must be located a minimum of 10 feet from any property line.
  - b. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.
  - c. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley[<sub>7</sub>] and shall be setback at least 10 feet from the alley.
  - d. Notwithstanding b. and c. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.
7. Bedrooms. The dwelling shall contain no more than 3 bedrooms.
8. Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
9. Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.
10. Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
11. Parking and Driveway.
- a. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
  - b. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
  - c. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards

- one parking space.
  - d. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
  - e. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
  - f. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
  - g. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
  - h. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
  - i. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
  - j. No parking shall occur outside of the vehicle use area.  
(See Figure 9.2751(18)(a)11.)
12. Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.
13. Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
14. Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.
15. Adjustment Review. For alley access lots, EC 9.2751(18)(a)(5) is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (b) Area – Specific Alley Access Lot Standards in R-1. Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)(3) Building Size, the following applies:
- 1. Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

2. This standard may not be adjusted.
- (c) **The standards in (a) and (b) do not apply to accessory dwellings. Accessory dwellings on alley access lots in R-1 shall comply with the standards at EC 9.2751(17).**

**Section 9.** Subsections (4) and (5)(e) of Section 9.2775 of the Eugene Code, 1971, are amended to provide as follows:

**9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.**

- (4) **Use Regulations.** Residential flag lots have the same land use regulations as the base zone except~~;~~ **that**
  - ~~[(a) H]home occupations are not allowed on residential flag lots of less than 13,500 square feet;~~
  - ~~[(b) Secondary dwellings are not allowed on flag lots less than 12,500 square feet; and~~
  - ~~[(c) Secondary dwellings are not allowed on flag lots that did not exist or were not approved prior to August 29, 2014.]~~
- (5) **Development Standards.**
  - (e) **Additional Standards for ~~[Secondary]~~ Accessory Dwellings on Flag Lots.**
    - ~~1. Access Pole Width. To allow for a secondary dwelling on flag lots existing or approved prior to August 29, 2014, that do not have legal access other than the individual or combined pole, the minimum width of the individual or combined pole shall be 25 feet.~~
    - ~~2. Access. No more than four dwellings (including primary and secondary dwellings) may take access off an individual pole or combined poles.]~~
    31. **Building Height/Interior Setback.**
      - a. **Except as provided in subsection b. below, [H]interior yard setbacks shall be at least 10 feet. In addition, at a point that is [8] 10 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet for detached [secondary] accessory dwellings and the maximum building height of the primary dwelling for attached [secondary] accessory dwellings.**
      - b. **For an accessory dwelling located above a garage or located where there is a grade change of 5 feet or more when measured from lowest finished grade to highest finished grade at points within a 5-foot horizontal distance of the exterior walls of the accessory dwelling (See Figure 9.2751(17)(a)2.b.(2)(A) Building Height Calculation & Sloped Setback for Sloped Lots), the following standards apply:**
        - (1) **For an interior lot line that is not addressed in b.(2) below, the minimum interior yard setback from that lot line is 10 feet and the maximum building height is 25 feet.**

(2) **Where an interior lot line abuts property that is zoned R-1, R-1.5, S-C/R-1 or S-RN/LDR,, the interior yard setbacks shall be at least 10 feet. In addition, at a point that is 18 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet. If the building is setback a minimum of 20 feet from an interior property line, the sloped portion of the setback does not apply along that property line. (See Figure 9.2751(17)(a)2.b.(2)(B) Accessory Dwelling Above Garage)**

c. **Exceptions. If the accessory dwelling is above a garage or on a slope as described in EC 9.2775(5)(e)1.b. above, an accessory dwelling's dormers may intrude into the sloped portion of any interior yard setback if:**

- (1) **The total width of all dormers does not exceed fifty percent of the width of the roof on which the dormers are located (for hipped roofs, the width of the roof shall be measured at the eave); and**
- (2) **The walls of the dormer(s) are set back a minimum of 2 feet from the face of all exterior building walls of the accessory dwelling.**

**(See Figure 9.2751(17)(a)2.c.(2) Dormer Placement & Size Calculation)**

bd. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.

~~[c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).]~~

#### **42. Driveway Standards.**

a. **Paving.** The driveway paving width shall be as follows:

- (1) For flag lots served by an individual pole, the minimum driveway width shall be 12 feet, and the maximum driveway paving width shall be 20 feet.
- (2) For flag lots served by a combined pole, the driveway width shall be 20 feet or a lesser width as approved by the fire code official.

b. **Driveway Setbacks.** The driveway paving shall be setback from the edge of the pole as follows:

- (1) For flag lots that are served by an individual pole, the driveway paving shall be setback a minimum of six feet.
- (2) For flag lots that are served by a combined pole, the driveway paving shall be setback a minimum of 2.5 feet.

c. **Driveway Use.** Parking is not allowed on any portion of the pole.

- d. Landscaping. The entire length of both sides of the pole, within the area between the driveway paving and the edge of the pole, shall be landscaped to meet the Low Screen Landscape Standard (L-2) in EC 9.6210(2)(a), except as follows:
  - (1) The shrubs required for continuous screen at EC 9.6210(2)(a)1. shall be at least 45 inches high within three years and maintained at a height not to exceed 60 inches, with the intent to minimize headlight glare;
  - (2) The canopy tree requirement at EC 9.6210(2)(a)2., is not applicable; and
  - (3) In lieu of a masonry wall or berm, a solid wood fence may be permitted where the bottom of the fence is no higher than 12 inches above grade and the top of the fence is at least 45 inches above grade.
- 53. Exceptions. Exceptions to driveway setback and landscaping standards are allowed where the affected adjacent property owners consent in writing on a form approved by the city.
- 64. Adjustments. The standards at EC 9.2775(5)(e)42.b. and d. regarding driveway setbacks and landscaping may be adjusted in accordance with EC 9.8030(34)~~(d)~~**(b)**.

**Section 10.** Subsection (2) of Section 9.3060 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3060** **S-C Chambers Special Area Zone – Land Use and Permit Requirements and Special Use Limitations.** Except where the standards in EC 9.3065 S-C Chambers Special Area Zone Development Standards specifically provide otherwise:
- (2) The land use and permit requirements and special use limitations applicable in the S-C/R-2 subarea shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone, ***except that any additional (interior, attached or detached) residential structure that is used in connection with or that is accessory to a single family dwelling may be permitted on a lot only as an additional “One-Family Dwelling” and not as an “Accessory Dwelling.”***

**Section 11.** Subsections (2)(a) and (3)(a) of Section 9.3065 of the Eugene Code, 1971, are amended to provide as follows:

- 9.3065** **S-C Chambers Special Area Zone – Development Standards.**
- (2) **Development Standards Applicable in the S-C/R-1 Subarea.** Except as provided in this subsection, the development standards applicable in the S-C/R-1 Subarea shall be those set forth in EC 9.2750 to EC 9.2777 for the R-1 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885.



- (a) Lot Size Minimums for Flag Lots. In lieu of any conflicting provisions in EC 9.2750 to 9.2777 for flag lots in the R-1 zone, the following standards apply for flag lots in the S-C/R-1 subarea:
1. Single dwellings [~~and attached secondary dwellings~~]: minimum lot size 4,500 square feet.
  - ~~2. Detached secondary dwellings: minimum lot size 6,000 square feet.]~~
  3. The original lot, prior to creation of the flag lot, is not subject to a minimum lot size of 13,500 square feet.
- In calculating the lot area, only the flag portion of the lot (exclusive of the pole) is counted.

\* \* \*

**(3) Development Standards Applicable in S-C/R-2 Subarea.** Except as provided in this subsection, the development standards applicable in the S-C/R-2 subarea shall be those set out in EC 9.2750 to 9.2777 for the R-2 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885.

- (a) Density Standards. In lieu of the density standards for the R-2 zone in Table 9.2750 and EC 9.2750(1), there is no minimum density requirement regardless of lot size, and the following maximum density standards apply:
1. For lots with street access:
    - a. One dwelling unit **and one additional one-family dwelling as described in 9.3060(2) per lot** if the lot area is less than or equal to 4,500 square feet.
    - b. Two dwelling units **and for each detached one-family dwelling, one additional one-family dwelling as described in 9.3060(2)** if the lot area is greater than 4,500 square feet and less than or equal to 9,200 square feet.
    - c. Three dwelling units **and for each detached one-family dwelling, one additional one-family dwelling as described in 9.3060(2)** if the lot area is greater than 9,200 square feet.
  2. For alley access lots: One dwelling unit **and one additional one-family dwelling as described in 9.3060(2)** regardless of lot size.

\* \* \*

**Section 12.** The “Dwellings” subsection in the “Residential” section in Table 9.3115 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
Residential			

<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
Dwellings [ <del>All dwellings shall meet minimum and maximum density requirements for development within the Chase Gardens Plan area.</del> ]			
One Family Dwelling per lot (Includes zero lot line dwellings)		P	P
<b>Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</b>		<b>P</b>	<b>P</b>
Controlled Income and Rent Housing where density is above that normally required in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-family standards in EC 9.5500.		S	S
Rowhouse (One-family on own lot attached to adjacent residence on separate lot)	P(3)(4)	P(3)(4)	P(3)(4)
Duplex (Two-family attached on the same lot)		P	P
Tri-plex (Three family attached on the same lot) (See EC 9.5500)		P	P
Four-plex (Four-family attached on the same lot) (See EC 9.5500)		S	S
Multiple Family (3 or more dwellings on the same lot) (See 9.5500)	S	S	S
Manufactured Home Park (See 9.5400)			P(5)

**Section 13.** In Table 9.3125(3)(g) of the Eugene Code, 1971, a “Density” heading is added and the row thereunder for “Minimum Net Density per Acre” is amended; and the row for “Accessory Building” under the “Maximum Building Height” heading is amended, to provide as follows:

<b>Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)</b>			
	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
<b>Density (1)(2)</b>			
Minimum Net Density per Acre [(4)]	20 units/acre if all residential in a single building	20 units [ <del>(2)(b)</del> ]	20 units [ <del>(2)(a)</del> ]
Maximum Next Density	112	112	112

<b>Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)</b>			
	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
<b>Minimum Building Height</b>	At least 2 functional floors if located along Garden Way		
<b>Maximum Building Height (3)</b>			
Main Building	50' commercial, 120' residential or residential above commercial	120' except (3); 35' or 2 stories within 50' of Garden Way	120'
Accessory Building. [ <del>Includes Secondary Dwellings Detached from Main Building</del> ]		30'	30'
<b>Accessory Dwellings Detached from Main Building</b>		<b>30'</b>	<b>30'</b>

**Section 14.** Subsection (2) of Section 9.3126 of the Eugene Code, 1971, is amended to provide as follows:

**9.3126 Special Development Standards for Table 9.3125(3)(g).**

- (2) [Minimum]Density.
- (a) ~~HDR Subarea.~~ **Minimum density a**[A]pplies to new residential development except rowhouses **and Accessory Dwelling Units.**
  - (b) ~~HDR/MU Subarea.~~ **Minimum density a**[A]pplies to new development except rowhouses **and Accessory Dwelling Units.**
  - (c) **Maximum density applies to all new residential development except Accessory Dwelling Units.**

**Section 15.** The “Dwellings” subsection in the “Residential” section in Table 9.3210 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements</b>	
	<b>S-DW</b>
<b>Residential</b>	
<b>Dwellings</b> (All dwellings types are permitted if approved through the Planned Unit Development process.)	
One-Family Dwelling (1 Per Lot)	P
[Secondary] <b>Accessory Dwelling</b> ([Either Attached or Detached from Primary One-Family Dwelling] <b>1 Per Detached One-Family Dwelling</b> on Same Lot)	P
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P
Duplex	P
Tri-plex (Three-Family Attached on Same Lot)	P
Four-plex (Four Family Attached on Same Lot)	P
Multiple-Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	P

**Section 16.** Subsection (2) of Section 9.3215 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3215 S-DW Downtown Westside Special Area Zone Development Standards.**  
**(2) Residential Standards.** Except as provided in this section or EC 9.3216 Special Development Standards for Table 9.3215, all residential development shall be subject to the standards established for the R-4 zone. **Accessory dwellings shall be subject to the R-4 standards, except EC 9.2751(17).**

**Section 17.** The “Dwellings” subsection in the “Residential” section in Table 9.3310 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements</b>	
	<b>S-E</b>
<b>Residential</b>	
<b>Dwellings</b>	
One-Family Dwelling (1 Per Lot)	P
<b>Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</b>	<b>P</b>
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P
Duplex (Two-Family Attached on Same Lot)	P
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	PUD

**Section 18.** Subsection (1) of Section 9.3510 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3510 S-HB Blair Boulevard Historic Commercial Special Area Zone Uses.** The S-HB zone designation is based on the area’s association with the city’s working class and the mix of residential, commercial and light industrial uses within the zone. The S-HB zone is the commercial core of the residential districts located to the east and west of the zone. The Whiteaker Plan Land Use Diagram reflects four underlying land use designations for this zone of residential, commercial, mixed use, and parks. Uses permitted within the S-HB zone are as follows:

- (1) Areas Designated for Low and Medium Density Residential.** Allowable uses are:
- (a) One-family dwellings.
  - (b) Accessory Dwellings (1 Per Detached One-Family Dwelling on Same Lot).**
  - (bc) Duplexes.
  - (ed) Triplexes.
  - (de) Four-plexes.
  - (ef) Multiple-family dwellings.
  - (fg) Home occupations.

(gh) Bed and breakfast facilities.

**Section 19.** Section 9.3615 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3615** **S-JW Jefferson Westside Special Area Zone Land Use and Permit Requirements and Special Use Limitations.** The land use and permit requirements and special use limitations applicable in the S-JW Jefferson Westside Special Area Zone shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone, except:
- (1) ~~The~~ The following uses listed on Table EC 9.2740 are prohibited in the S-JW Jefferson Westside Special Area Zone:
    - (1a)** Correctional Facilities.
    - (2b)** C-1 Neighborhood Commercial Zone permitted uses, unless such a use is specifically listed in another row on Table 9.2740 as an allowable use under the “R-2” column.
  - (2) ***Any additional (interior, attached or detached) residential structure that is used in connection with or that is accessory to a single family dwelling may be permitted on a lot only as an additional “One-Family Dwelling” and not as an “Accessory Dwelling.”***

**Section 20.** Subsections (3), (7) and (8) of Section 9.3625 of the Eugene Code, 1971, are amended to provide as follows:

- 9.3625** **S-JW Jefferson Westside Special Area Zone Development Standards.**
- (3) Alley development standards.
    - (a) Primary Vehicle Access. For the purposes of this section, “primary vehicle access” means the primary means by which inhabitants take vehicular access to a dwelling or on-site parking space(s) provided for a dwelling. Primary vehicle access is determined as follows:
      1. On an alley access only lot, every dwelling’s primary vehicle access is the alley.
      2. On a lot that is not an alley access only lot and that, consistent with access standards in the EC, could take vehicular access from an alley, a dwelling’s primary vehicle access is:
        - a. The street, when there is only one dwelling on the lot.
        - b. When there are multiple dwellings on the lot, for each on-site parking space that complies with the standards applicable in the S-JW special area zone and that can only be accessed and exited via a street (i.e., cannot use the alley for entry or exit), one dwelling is considered to take primary vehicle access from the street. The remainder of the dwellings shall be considered to take primary vehicle access from the alley.  
If there are one or more dwellings with the alley as primary vehicle access, the dwelling(s) closest to the alley shall be considered to have primary access from the alley. In cases where multiple dwellings are equidistant from the alley and not all of them take primary access from the alley, the

property owner may designate which dwellings take primary access from the alley. The provisions in this subsection (3)(a)2.b. may be adjusted based on the criteria of EC 9.8030(26)(2).

3. On all lots not addressed in 1. or 2., above, all dwellings' primary vehicle access is the street.
- (b) No more than one dwelling on the same development site may take primary vehicle access from an alley unless the site also abuts a street that the alley intersects.
- (c) On any lot that contains one or more dwellings whose primary vehicle access is an alley, there must be at least an undivided 400 square-foot open space area (not including buildings, parking or driveways) abutting the alley. Except as provided in 4., below, the open space area:
  1. shall abut the alley for at least 25% of the length of the lot line abutting the alley;
  2. shall be a minimum of 10 feet in depth for the entire extent that the open space area abuts the alley; and
  3. may include areas that are within setbacks.
  4. The open space required in this subsection (c) may be placed behind parallel parking abutting the alley.
- (d) For a dwelling whose primary vehicle access is an alley:
  1. The dwelling may not have more than three bedrooms.
  2. If the dwelling is in the residential building closest to the alley, then the dwelling shall include a main entrance that is visible from the alley (see Figure 9.3625(3)(d)2.) and meets one of the following conditions:
    - a. Faces the alley;
    - b. Faces the side of the lot and meets all the following conditions:
      - (1) The entrance opening is not more than 8 feet from the building façade facing the alley and nearest the alley;
      - (2) The entrance includes a covered porch of at least 30 square feet;
      - (3) The porch abuts both the façade containing the entrance and a façade facing the alley; or
    - c. Faces the side of the lot and meets all the following conditions:
      - (1) The entrance opening is no more than 8 feet from the building façade facing the alley and nearest the alley.
      - (2) The entrance provides direct resident access to a head-in parking area on the same side of building.
      - (3) The entrance includes a covered porch of at least 20 square feet.
      - (4) The façade facing the alley includes windows that total at least 8 feet wide when measured at 5' above the floor of the first story and that have a minimum area of at least 20 square feet.
  3. One on-site parking space, accessible from the alley, per dwelling is required. ***This parking requirement does not apply to an additional one-family dwelling, as described at EC 9.3615(2).***

\* \* \*

**(7) Parking Standards.**

- (a) Except as provided in (3)(d)3. above **and (7)(b) below**, each dwelling shall have one on-street or on-site vehicle parking space for every three bedrooms, rounded up to the next whole number (i.e. a four-bedroom dwelling must have at least two parking spaces). For purposes of this subsection, each uninterrupted twenty feet of lot line that abuts a street right-of-away where parking is legal within the entirety of that twenty feet shall count as one on-street parking space. The twenty feet may not include any portion of a curb cut.
  - (b) **The parking space requirement in (a), above, does not apply:**
    - 1. **To an additional one-family dwelling, as described in 9.3615(2); or**
    - 2. **To one dwelling that has primary vehicle access from the street and no more than three bedrooms, when there are two or more dwellings and there is no on-street parking space as defined in subsection (7)(a) above.**
  - (c) No portion of a vehicle parking area may be located in the area defined by the Street Setback minimum standard (i.e., from which structures, other than permitted intrusions, are excluded) or between the street and the residential building façade that faces, and is closest to, the street.  
**(See Figure 9.3625(7)(b) Vehicular (No) Parking Areas).**
- (8)** The following Table 9.3625 sets forth the S-JW Special Area Zone development standards, subject to the special development standards in EC 9.3626.

<b>Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards</b>	
<b>(See EC 9.3626 Special Development Standards for Table 9.3625.)</b>	
<b>Density(1)</b>	
<b>Minimum Dwellings Per Lot</b>	
Lots less than 13,500 Square Feet	--
Lots 13,500 square feet and larger	1 dwelling per lot for every 6,750 square feet (fractional values are rounded down to the nearest whole number)
<b>Maximum Dwellings Per Lot(1)</b>	
Alley Access Only Lot	1 dwelling <b>and 1 additional one-family dwelling as described in 9.3615(2)</b> per lot
Lots [less than 2,250] <b>up to 4,499</b> square feet	[No additional dwellings after December 14, 2009] <b>1 dwelling and 1 additional one-family dwelling as described in 9.3615(2) per lot</b>
[Lots between 2,250 and 4,499 square feet]	[1 dwelling per lot]
Lots between 4,500 and 8,999 square feet	2 dwellings <b>and, for each detached one family dwelling, 1 additional one-family dwelling as described in 9.3615(2)</b> per lot

<b>Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards</b> <b>(See EC 9.3626 Special Development Standards for Table 9.3625.)</b>	
Lots 9,000 square feet and larger	1 per lot for every 4,500 square feet (fractional values are rounded down to the nearest whole number) <b>and, for each such detached one family dwelling, 1 additional one-family dwelling as described in 9.3615(2)</b>
<b>Maximum Building Height (2) (9)</b>	
<b>Minimum Building Setbacks (3) (4) (5) (9)</b>	
<b>Maximum Lot Coverage (6) (7)</b>	<b>50%</b>
<b>Maximum Vehicle Use Area (6)</b>	<b>20%</b>
<b>Common and Private Open Space (7)</b>	
<b>Fences (8)</b>	
(Maximum Height Within Interior Yard Setbacks)	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches

**Section 21.** Subsection (g) is added to subsection (1) of Section 9.3625 of the Eugene Code, 1971, to provide as follows:

**9.3626 Special Development Standards for Table 9.3625.**

- (1) Density. For purposes of determining the maximum allowable dwellings on a lot:
- (g) ***Additional one-family dwellings as described in 9.3615(2) are not subject to the provisions of (1) and shall not be considered within the calculations of dwellings or bedrooms.***

**Section 22.** The “Dwellings” subsection in the “Residential” section in Table 9.3810 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b>Residential</b>					
Dwellings. (All dwellings shall meet minimum and maximum density requirements for development within the Royal Specific Plan area. All dwelling types are permitted.)					
One-Family Dwelling (1 Per Lot, includes zero lot line dwellings)	P	P	P		
[Secondary] <b>Accessory</b> Dwelling ([ <del>Either Attached or Detached from Primary One-Family Dwelling</del> ] <b>1 Per Detached One-Family Dwelling</b> on Same Lot)	P(1)	P(1)	P(1)		



Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(2) (3)	P(2) (3)	P(2) (3)	P(2) (3)	P(2) (3)
Duplex (Two-Family Attached on Same Lot)	P	P	P		
Tri-plex (Three family attached on the same lot) See EC 9.5500	P	P	P	P	
Four-plex (Four-Family Attached on Same Lot) See EC 9.5500	P	P	P		
Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S - SR (4)	S - SR (4)			
Controlled Income and Rent Housing where density is above that normally permitted in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-family standards in EC 9.5500.)	S (9)	S (9)			

**Section 23.** Subsection (1) of Section 9.3811 of the Eugene Code, 1971, is amended to provide as follows:

**9.3811 Special Use Limitations for Table 9.3810.**

(1) **[Secondary] Accessory Dwellings.** ~~[Secondary] Accessory~~ dwellings shall conform to all of the following:

(a) The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.

~~[(b) Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~

~~(c) There shall be at least 1 off-street parking space on the property.~~

~~(d) The dwelling shall be located on a lot that is not a flag lot.]~~

(eb) Detached **accessory** dwellings shall:

~~[1. Comply with the residential density limitations in Table 9.3815(3)(n) Royal Node Special Area Zone Development Standards.]~~

21. Provide a pedestrian walkway from the street or alley to the primary entrance of the **accessory** dwelling.

32. The primary entrance to an **accessory** dwelling shall be defined by a roofed porch.

43. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.

~~[Prior to issuance of a final occupancy permit for the secondary dwelling, the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the secondary dwelling or primary dwelling is owner/occupied.]~~

**Section 24.** The “Maximum Building Height” section in Table 9.3815(3)(n) of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards (See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b>Maximum Building Height</b>					
Main Building	35 feet	35 feet	50'	50'	50'
Accessory Building [ <del>Includes Secondary Dwellings Detached from Main Building</del> ]	25 feet	25 feet	50'	50'	50'
<b>Accessory Dwellings Detached from Main Building</b>	<b>25 feet</b>	<b>25 feet</b>	<b>25 feet</b>		

**Section 25.** The “Accessory Uses” section, and the “Dwellings” subsection of the “Residential” section in Table 9.3910 of the Eugene Code, 1971, are amended to provide as follows:

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
<b>Accessory Uses</b>	
Accessory Uses. <del>Examples</del> related to residential uses include a garage, storage shed, bed and breakfast facility (see EC 9.5100)[,] <b>and</b> home occupations (see EC 9.5350)[,] <del>and secondary dwellings (see EC 9.2741(2))</del> . <del>Examples</del> relating to commercial and employment and industrial uses include security work, administration activity and sales related to industrial uses manufactured on the same development site, and storage and distribution incidental to the primary use of the site.	P
<b>Residential</b>	
Dwellings	
One-Family Dwelling	P(2)
<b>Accessory Dwelling (1 Per Detached One-Family Dwelling on Same Lot)</b>	<b>P</b>
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(2)
Duplex (Two-Family Attached on Same Lot)	P(2)
Tri-plex (Three-Family Attached on Same Lot)	P(2)
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	P(2)

**Section 26.** The first paragraph and subsection (1) of Section 9.3915 of the Eugene Code, 1971, are amended, and a new subsection (13) is added, to provide as follows:

**9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards.** Except as provided in subsections (5) to [(42)] **(13)** of this section, sections 9.6000 to 9.6885 General Standards for All Development in this land use code shall apply within this S-W zone. In the event of a conflict between the general development standards of this land use code and the standards set forth in this section, the specific provisions of this section shall control.

- (1) **Residential Standards.** Except as provided in subsections (5) to [(12)] (13) of this section, all residential development shall be subject to the standards established for the C-2 zone.

\* \* \*

- (13) **Accessory dwellings shall be subject to the standards established at EC 9.2750 and EC 9.2751(17).**

**Section 27.** Subsection (4)(a) of Section 9.3970 of the Eugene Code, 1971, is amended

to provide as follows:

**9.3970 S-WS Walnut Station Special Area Zone Development Standards Applicable to All Properties in the Walnut Station Special Area Zone.**

**(4) Parking Requirements.**

- (a) Required off-street motor vehicle parking. The following minimum and maximum parking standards apply instead of the standards in Table 9.6410. The provisions in EC 9.6410(1)(a) through (c), EC 9.6415 (1) through (3), EC 9.6420(1), (2), (3)(a), (b), and (e), (4), (5), and (6), apply to the siting and design of parking and loading facilities in the Walnut Station area. Uses not listed do not have a parking requirement.

Use	Minimum Number of Off-street Parking Spaces	Maximum Number of Off-Street Parking Spaces
<b>Residential</b>	<p><b><i>No off-street parking spaces are required for accessory dwellings.</i></b></p> <p>Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces <b><i>for all other residential uses</i></b> shall be .5 parking spaces per dwelling unit.</p>	<p>Except for required parking spaces for persons with disabilities, a maximum of 2.25 parking spaces are allowed per dwelling unit.</p>
<b>Non-Residential Uses</b>	<p>Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces shall be 1 parking space for every 660 square feet of gross floor area.</p>	<p>Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking with two or more levels, the maximum number of parking spaces is 1 parking space per every 250 square feet of gross floor area.</p>

**Section 28.** The following entry in the “Dwellings” subsection of the “Residential” section

in Table 9.6410 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
<b>Residential</b>	
<b>Dwelling</b>	
[Secondary] <b>Accessory Dwelling</b> (Either attached or detached from primary one-family dwelling on same lot) / <b>Additional one-family dwelling in the R-2 subarea of the S-C Chambers Special Area Zone</b>	[4-per dwelling.] <b>0</b>

**Section 29.** Subsection (34) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

**9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

**(34) [Secondary] Accessory Dwellings.** Where this land use code provides that the standards for [secondary] **accessory** dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.

~~[(a) Temporary Leave. A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.]~~

**(ba) Conversion of Existing Building.** A legally established building existing as of August 29, 2014, may be converted to an **an [secondary] accessory dwelling** if it complies with all of the following:

1. The existing structure satisfies all [secondary] **accessory** dwelling standards except the applicable sloped setback under Building Height/Interior Setback at EC 9.2571(17)(a)32. or EC 9.2751(17)(b)5.
2. The [secondary] **accessory** dwelling is limited to 600 square feet in total building square footage[, and 15 feet in height].
3. If the existing structure is closer than 5 feet to an interior property line, ~~[the adjacent property owner must provide written consent pursuant to EC 9.2751(7)]~~ **there must be a 10-foot separation between the accessory dwelling and buildings on the abutting lot and the owner of the accessory dwelling must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to the intruding side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends and require the continuation of a 10-foot separation between buildings on the separate lots. The easement shall be on a form provided by the city and be**

***subject to payment of a fee set by the city manager.***

- ~~[(c) Building Height. A secondary dwelling may have a maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.]~~
- (db) ~~[Secondary]~~ **Accessory Dwellings on Flag Lots**. Where natural features or other physical conditions make it impracticable to comply with the driveway setback and landscape screening requirements, the following adjustments are allowed:
1. Except as provided in 2. below, the driveway setback may be reduced to no less than four feet; however, in no event shall the setback be reduced more than is necessary to enable the driveway to meet the minimum driveway width, or
  2. The driveway setback may be reduced to no less than one foot, and screening requirements may be reduced or eliminated, where
    - a. The zoning of the adjacent property does not allow for residential uses; and
    - b. The impacts of the adjacent uses would not be significantly worse under the reduced setback or lessened screening.

**Section 30.** The findings in support of this Ordinance are included in the records compiled for this Ordinance and Ordinances 20594, 20595, and 20625, including the final orders issued by the Oregon Land Use Board of Appeals and the Court of Appeals.

**Section 31.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 32.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals or the Oregon Court of Appeals, those sections, subsections, sentences, clauses, phrases or portions of this Ordinance that are not the subject of the remand shall be deemed separate, distinct and independent provisions and such remand shall not affect their validity or effect.

**Section 33.** The code amendments made by this Ordinance are required for compliance with ORS 197.312(5), which is now in effect. Therefore, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto.

**Passed by the City Council this**

\_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
**City Recorder**

**Approved by the Mayor this**

\_\_\_\_\_ day of \_\_\_\_\_, 2021

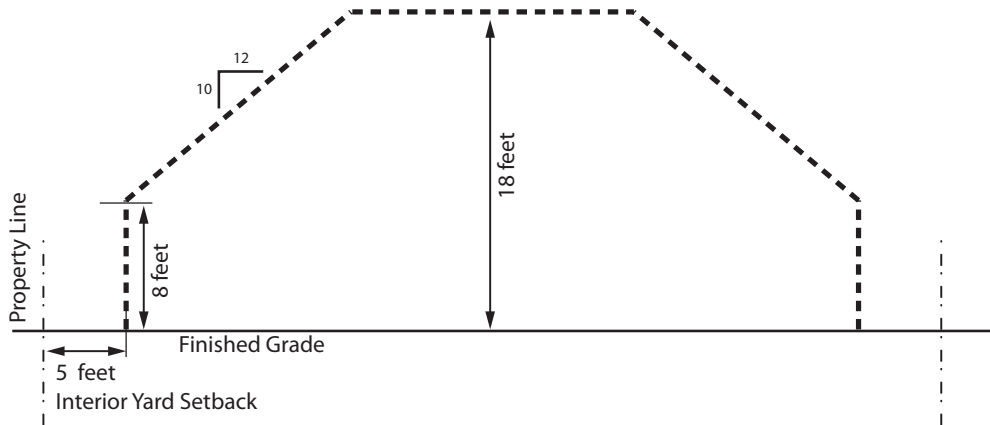
\_\_\_\_\_  
**Mayor**

**Figure 9.2751(16)(b)3.**

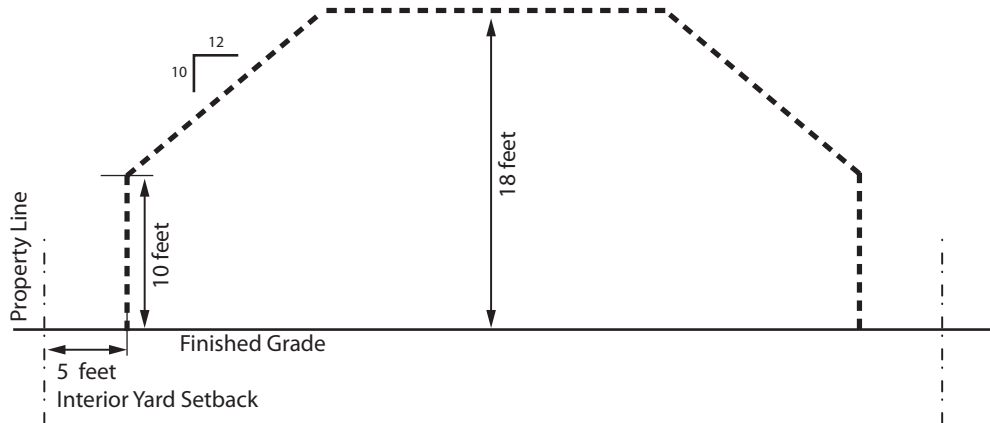
**Building Height /Interior Setbacks for:**

- Accessory Buildings (Area-Specific)
- Alley Access Lots (General and Area-Specific)
- Accessory Dwellings (General and Area-Specific)

Accessory Buildings and Alley Access Lots

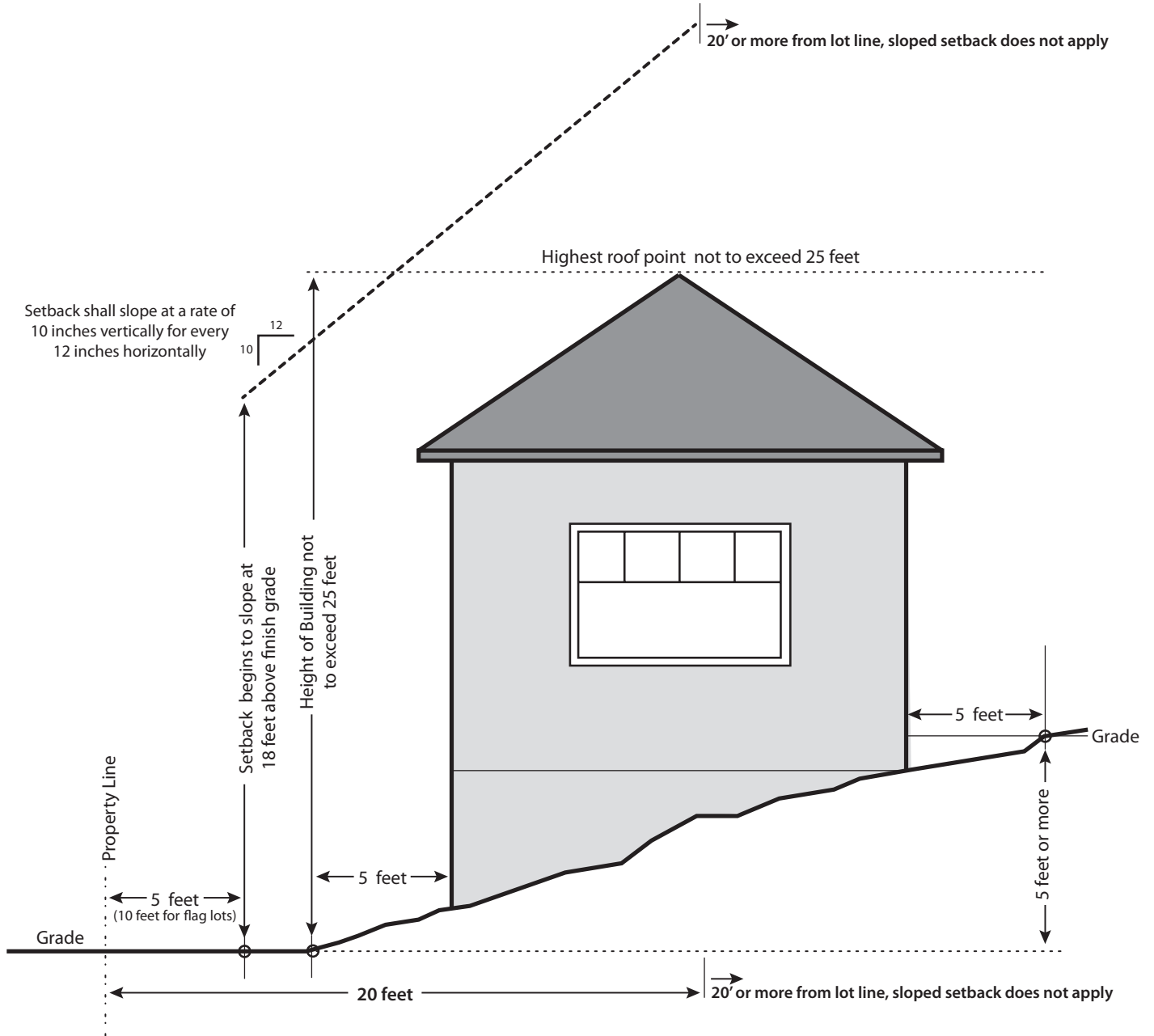


Accessory Dwellings



**Figure**  
**9.2751(17)(a)2.b.(2)(A)**

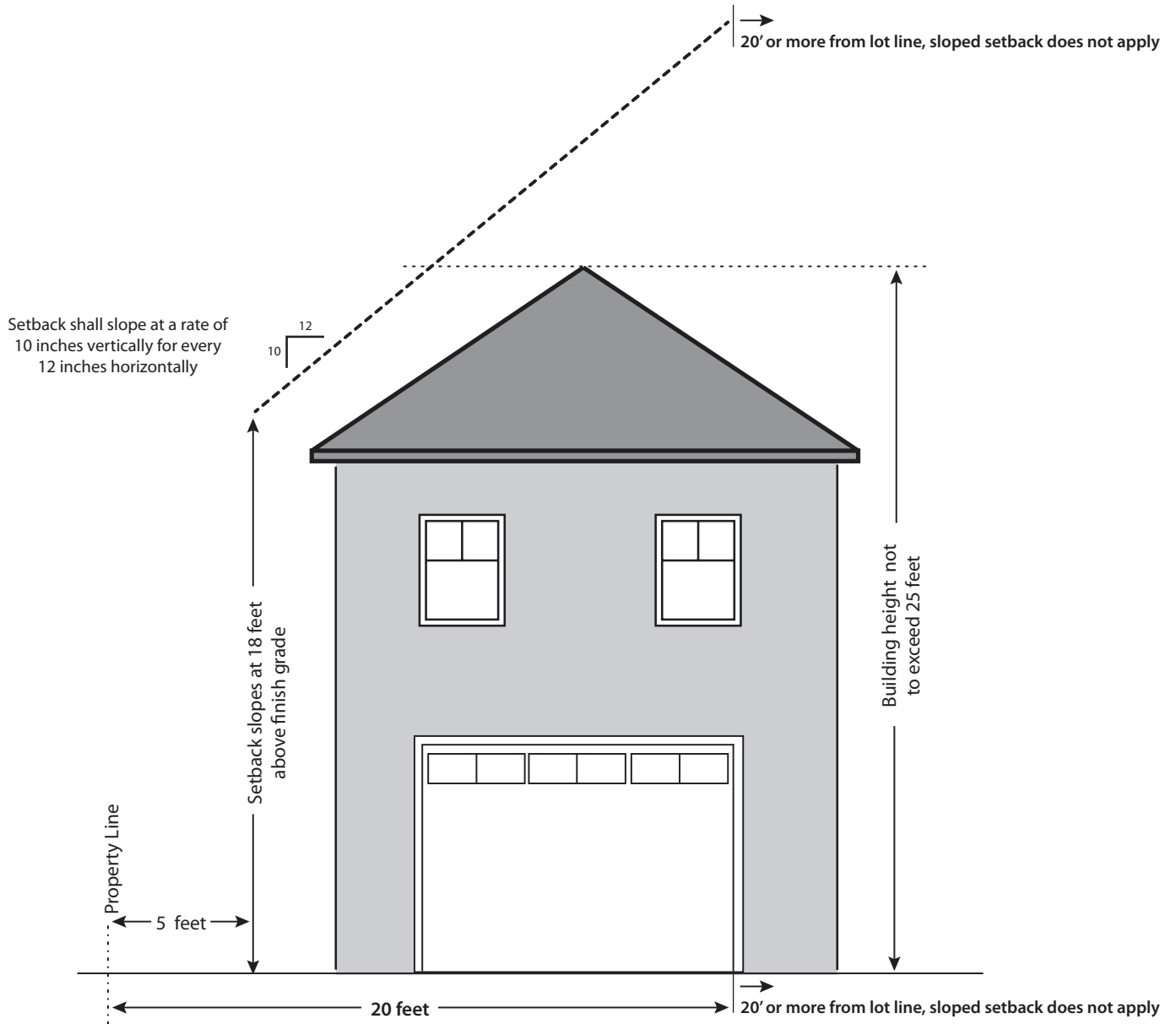
**Building Height Calculation & Sloped Setback  
for Sloped Lots**





**Figure**  
**9.2751(17)(a)2.b.(2)(B)**

**Accessory Dwelling Above Garage**



**Figure**  
**9.2751(17)(a)2.c.(2)**

**Dormer Placement & Size Calculation**

