

ORDINANCE NO. _____

AN ORDINANCE CONCERNING DOWNTOWN AND MIXED USE DEVELOPMENT AND AMENDING SECTIONS 9.2160, 9.2161, 9.2170, 9.2171, 9.2173, 9.4280, 9.4290, 9.4530, 9.8030, 9.8670, AND 9.9650 OF THE EUGENE CODE, 1971, TSI ROADWAY POLICY #2 OF THE EUGENE-SPRINGFIELD TRANSPORTATION SYSTEM PLAN (TRANSPLAN) AND POLICY F.15 OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The text of Section 9.2160 of the Eugene Code, 1971, and the “Residential,”

“Dwellings” section of Table 9.2160 are amended to provide as follows:

9.2160 Commercial Zone Land Use and Permit Requirements. The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:

- (P) Permitted[~~, subject to zone verification~~].
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.
- (S) Permitted, subject to [~~zone verification and~~] the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements					
	C-1	C-2	C-3	C-4	GO
Residential					
Dwellings					
One-Family Dwelling	P(6)	P(6)	P(7)		
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	S(6)	S(6)			P
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)		P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S(6)	S		S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S(6)	S		S
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	S(6)	S(6)	S		S

Section 2. Subsections (5) and (6) of Section 9.2161 of the Eugene Code, 1971, and Table 9.2161 are amended; a new subsection (7) is added to Section 9.2161; and subsections (7) and (8) are renumbered to subsections (8) and (9) respectively to provide as follows:

9.2161 Special Use Limitations for Table 9.2160.

- (5) **Parking Areas in C-3.** ~~[For surface parking spaces created after August 1, 2001, there shall be at least 1,000 square feet of floor area on the development site for each new parking space created.]~~ The maximum number of surface parking spaces on a development site shall be 20. **Up to 20 additional surface parking spaces may be created if all on-site parking is accessed via an alley and no vehicle access from any street right-of-way (i.e. no access connection) is allowed.** All parking spaces in excess of these limits shall be in structured parking.
- (6) **Residential Use Limitation in C-1 and C-2.**
 - (a) ~~[Except for the Downtown Plan Area,]~~ **All** residential dwellings ~~[are allowed]~~ in the C-1 **zone** and **one and two-family dwellings in the** C-2 zone[s] **are allowed** if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments. ~~[Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, residential dwellings are allowed in C-1 and C-2 zones and are not required to use the ground floor of the structure for commercial or non-residential purposes.]~~
 - (b) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, the maximum number of dwellings per lot is specified at EC 9.3625(8) and 9.3626(1).

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments [Not Within the Downtown Plan Area (See Map 9.2161(6) Downtown Plan Map)]		
	C-1	C-2
Commercial Uses Requirements in Mixed-Use Residential Developments		
Minimum Percent of Building Street Frontage in Commercial Use. Building street frontage shall be measured along the length of the building at the ground level within the maximum front yard setback. As used herein, "commercial" includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages.	80%	60%
Minimum Percent of Ground Floor Area in Commercial Use.	80%	20%

- (7) **Residential Use Limitation in C-3.** *Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a structure may include one- and two-family dwellings if 80 percent of the ground floor of the structure is used for commercial or non-residential purposes.*
- (78) **Broadcasting Studios, Commercial and Public Education Allowance in GO.** Any number of receiving antennas, and up to 1 station-to-station transmitter-link antenna not to exceed 10 watts are permitted in the GO zone.
- (89) Permitted in the Commercial zone, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

Section 3. Figure 9.2171(5) is relabeled as 9.2170(4)(b) as shown on Exhibit A attached hereto; Figure 9.2171(5)(e) is relabeled as 9.2170(4)(b)6. as shown on Exhibit B attached hereto; Figure 9.2171(9) is relabeled as 9.2170(6) as shown on Exhibit C attached hereto; and Sections 9.2170 and 9.2171 of the Eugene Code, 1971, are amended and Section 9.2171 is incorporated into Section 9.2170 to provide as follows:

9.2170 Commercial Zone Development Standards - General.

- (1) **Intent.** These commercial zone development standards are intended to achieve the following:
 - (a) Improve the quality and appearance of commercial development in the city.
 - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
 - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
 - (d) Increase opportunities for use of alternative modes of transportation.
 - (e) Regulate the intensity of use allowed on a site.
 - (f) Control the overall scale of commercial buildings.
 - (g) Promote streetscapes that are consistent with the desired character of the various commercial zones.
 - (h) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones ~~[except the following:~~
 - ~~(a) Maximum Front Yard Setback,~~
 - ~~(b) Minimum Landscape Area,~~
 - ~~(c) Drive Through Facilities,~~
 which shall be subject to the special development standards of EC 9.2171(5), EC 9.2171(8) and EC 9.2171(15). ~~In cases of conflict, the standards specifically applicable in commercial zones shall apply].~~

Table 9.2170 Commercial Zone [Development] General Building Height and Setback Standards					
[(See EC 9.2171 Special Development Standards for Table 9.2170.)]					
	C-1	C-2	C-3	C-4	GO
Building Height (See EC 9.2170(3))					
Maximum Building Height [(1)-(2)-(3)]	35 feet	120 feet [(2)]	150 feet [(2)]	50 feet [(2)]	50 feet [(3)]
Setbacks (See EC 9.2170(4))					
Minimum Front Yard Setback [(4)-(17)]	10 feet	0 feet	0 feet	10 feet	10 feet
Maximum Front Yard Setback [(5)-(17)]	15 feet	15 feet	15 feet	None	15 feet
Minimum Interior Yard Setback [(4)-(6)-(7)-(16)]	0 feet to 10 feet [(6)]	0 feet to 10 feet [(6)]	0 feet	0 feet to 10 feet [(6)]	0 feet to 10 feet [(6)]

Table 9.2170 Commercial Zone [Development] General Building Height and Setback Standards [(See EC 9.2171 Special Development Standards for Table 9.2170.)]					
	C-1	C-2	C-3	C-4	GO
[Minimum Landscape Area (8)]	10%	10%	None	10%	10%
Fences (9)					
Outdoor Storage Areas (10)					
Outdoor Merchandise Display (11)					
Garbage Screening (12)					
Utilities (13)					
Delivery and Loading Facilities (14)					
Drive-Through Facilities (15)					
Large Commercial Facilities (See EC 9.2173)					
Large Multi-Tenant Commercial Facilities (See EC 9.2175)					

[9.2171 ~~Special Commercial Zone Development Standards for Table 9.2170.~~]

(4) ~~Building Height.~~

(a) Exceptions to the general height restrictions for commercial structures stated in Table 9.2170 Commercial Zone [Development] **General Building Height and Setback** Standards are contained in:

~~(a)1.~~ EC 9.6715 Height Limitation Areas.

~~(a)2.~~ EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.

(2b) Subject to the limitations in subsection ~~(4a)~~ of this section, in the C-2, C-3, or C-4 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.

(3c) Subject to the limitations in subsection ~~(4a)~~ of this section, the maximum permitted building height for main or accessory buildings in the GO zone shall not exceed 35 feet in height within 50 feet of an abutting AG, R-1, or R-2 zone. Otherwise, main and accessory building height maximums shall not exceed 50 feet.

(4) ~~Setbacks.~~

(a) Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone [Development] **General Building Height and Setback** Standards are contained in:

~~(a)1.~~ EC 9.6745 Setbacks - Intrusions Permitted.

~~(a)2.~~ EC 9.6750 Special Setback Standards.

(5b) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone [Development] **General Building Height and Setback** Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the

development site specifically affected by the new building are subject to the requirements of this subsection. **(See Figure [9.2171(5)]**

9.2170(4)(b) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)

- ~~(a)1.~~ In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.
- ~~(b)2.~~ In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a).
- ~~(c)3.~~ In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.
- ~~(d)4.~~ Vehicular parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.
- ~~(e)5.~~ Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street.
- ~~(f)6.~~ The land between the portion of a building complying with EC [9.2171(5)(a) or (b)] **9.2170(4)(b)1. or 2.** and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection. **(See Figure [9.2171(5)(e)] 9.2170(4)(b)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)**
- ~~(g)7.~~ The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. **(See Figure [9.2171(5)(e)] 9.2170(4)(b)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)**

- (6c)** Where lot lines abut property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).

~~[(7) Minimum interior yard setbacks for large commercial facilities on a lot adjacent to or facing a residential zone shall be 30 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).]~~

- (16d)** For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW

Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.

(17e) Adjustments. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the minimum and maximum front yard setbacks in this **subsection, except subsection (4)(a)**, may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Within the Downtown Plan Area, adjustments to the minimum and maximum front yard setbacks in this **subsection, except subsection (4)(a)**, may be made, based on the criteria at EC 9.8030(16).

(85) Landscaping. ~~[In addition to the minimum landscape area requirements of Table 9.2170 Commercial Zone Development Standards, t]~~ The following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.

- (a) Minimum Landscape Area Required. In all commercial zones, except **C-2 within the Downtown Plan Area as shown on Map 9.2161(6) and C-3**, a minimum of 10 percent of the development site shall be landscaped with living plant materials. ***Within the C-2 zone within the Downtown Plan Area, a minimum of 5 percent of the development site shall be landscaped with living plant materials. No minimum landscaping is required in the C-3 zone.*** All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.
- (b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).
- ~~[(c) Landscaping In Front Yard Setbacks. If a front yard setback contains a landscape planting bed, the planting bed shall be a minimum of 7 feet in width and shall comply, at a minimum, with EC 9.6210(1) Basic Landscape Standard (L-1).]~~
- (dc) Landscaping In Interior Yard Setbacks Abutting Residential Zones. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).
- (ed) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.
- (fe) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections ~~[(8)](a)~~, **and** ~~[(8)](b)~~ ~~and~~ ~~[(8)](c)~~ may be made based on the criteria in EC 9.8030(16).

(96) Fences.

- (a) Types. The type of fence, wall or screen used in any situation is limited only by specific requirements stated in landscape standards beginning

- at EC 9.6200 Purpose of Landscape Standards.
- (b) Locations and Heights.
1. Fences up to 42 inches in height are permitted within the minimum or maximum front yard setback whichever is greater.
 2. Fences up to 8 feet high are allowed in interior yard setbacks.
 3. The height of fences that are not in required setback areas is the same as the regular height limits of the zone.
 4. Fences must meet standards in EC 9.6780 Vision Clearance Area. **(See Figure [9.2174(9)] 9.2170(6) Fencing Standards in Commercial Zones and Figure 9.0500 Vision Clearance Area.)**
- (c) Adjustments. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (96)(a) and (96)(b) may be made based on the criteria in EC 9.8030(16).
- (407) Outdoor Storage Areas.** Except for plant nurseries, outdoor storage is not permitted in any commercial zone. All merchandise to be stored must be enclosed entirely within buildings or structures.
- (448) Outdoor Merchandise Display.**
- (a) Except for plants and garden supply products, outdoor merchandise display is not allowed in C-1 and GO zones.
 - (b) In the C-2 and C-4 zones, outdoor display of the uses listed in subsection 1. of this subsection, is permitted when in conformance with the standards listed in subsection 2. of this subsection.
 1. Plants and garden supply products; motor vehicle sales, service, and repair; new and used boat sales; large equipment sales and rentals; service station pump islands; vending machines; manufactured home sales; children's outdoor play equipment; and hot tubs.
 2. Outdoor merchandise display is not permitted in required setback areas. Except for plant and garden supply displays, outdoor display areas shall be set back a minimum of 7 feet from the front lot lines with required setbacks landscaped to at least the EC 9.6210(1) Basic Landscape Standard (L-1).
 - (c) In the C-3 zone, outdoor merchandise display is permitted if all products are placed in an enclosure after business hours.
 - (d) Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsection (b)2. of this section may be made based on criteria in EC 9.8030(2)(d). Within the Downtown Plan Area, adjustments to subsection (448)(b)2. may be made based on the criteria in EC 9.8030(16).
- (429) Garbage Screening.** All outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:
- (a) Materials within enclosures shall not be visible from streets and adjacent properties.
 - (b) Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).
 - (c) Garbage collection areas shall not be located within required setbacks. Trash or recycling receptacles for pedestrians are exempt from these requirements.
- (4310) Underground Utilities.** All utilities on the development site shall be placed underground. Except for the Downtown Plan Area as shown on Map 9.2161(6)

Downtown Plan Map, adjustments to this section may be made based on criteria in EC 9.8030(5). Within the Downtown Plan Area, adjustments to this section may be made based on criteria in EC 9.8030(16). Refer also to EC 9.6775.

(1411) Delivery and Loading Facilities.

- (a) Delivery and loading facilities are not permitted in required setback areas.
- (b) On lots abutting parcels with a residential zone, delivery and loading facilities shall be set back a minimum of 10 feet from property lines with required interior yard setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(1512) Drive-Through Facilities.

- (a) Application. The regulations in (b) through (e) of this subsection apply to the establishment of new drive through facilities, the addition of travel lanes for existing drive-through facilities in existing developments, and the relocation of an existing drive-through facility.
- (b) Drive-Through Facilities in C-1 Zone. Drive-through facilities are not permitted in C-1 zones.
- (c) Service Areas Setback and Landscaping. Service areas and stacking lanes shall be set back a minimum of 10 feet from all lot lines. Setback areas abutting a street shall be landscaped to at least the standards in EC 9.6210(1) Basic Landscape Standard (L-1). Interior yard setback areas must be landscaped to at least the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
- (d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.
- (e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6415 Loading and Drive-Through Design Standards.
- (f) Adjustments. Except for lots adjacent to land zoned residentially:
 1. Outside of the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsection (c) Service Areas Setback and Landscaping may be made based on criteria at EC 9.8030(2) Setback Standards Adjustment.
 2. Within the Downtown Plan Area adjustments to subsection (c) Service Areas Setback and Landscaping and subsection (e) Stacking Lanes may be made based on the criteria at EC 9.8030(16).

Section 4. Section 9.2171 of the Eugene Code, 1971, was incorporated into Section 9.2170 of that Code. All references to Section 9.2171, including but not limited to the references in Table 9.3125(3)(g), Section 9.3815, and Table 9.6205, are hereby updated to reflect the amendment.

Section 5. Subsections (2), (8) and (9) of Section 9.2173 of the Eugene Code, 1971, are amended; a new subsection (11) is added to Section 9.2173; and subsection (11) is renumbered to subsection (12) to provide as follows:

9.2173 Commercial Zone Development Standards - Large Commercial Facilities.

(2) Application of Standards.

(a) In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, **except as provided in subsection (b) below, all of** the standards in this section apply to any new building with 25,000 square feet or more of floor area **in commercial or non-residential use**, and the portion of the development site specifically affected by the new building.

(b) **The standards in subsections (5), (6), (7), (9) and (11) do not apply with the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map.**

(8) Service and Loading Areas.

(a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.

(b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC [9.2174(14)] **9.2170(8) Outdoor Merchandise Display.**

(9) Delivery and Loading Facilities. [~~On lots abutting parcels zoned for residential development, d]~~ Delivery and loading facilities shall be set back a minimum of 30 feet from [~~property lines~~] **interior yards abutting residentially zoned lots** with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(11) Interior Yard Setbacks from Residential Zoning. Interior yard setbacks shall be a minimum of 30 feet from abutting residentially zoned lots.

(11) Adjustments. Except for the Downtown Plan Area, adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the standards in this section may be made based on the criteria at EC 9.8030(16).

Section 6. Subsection (2) of Section 9.4280 of the Eugene Code, 1971, is amended to provide as follows:

9.4280 Prohibited Uses and Special Use Limitations.

(2) Special Use Limitations.

(a) Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, no use may include a drive-through facility, unless explicitly permitted in a refinement plan. Within the Downtown Plan Area:

1. Drive-through only establishments are not permitted.
2. For a structure that has two or more functional floors, a drive-

- through facility is permitted.
3. For a structure that has only one functional floor, a drive-through facility to provide financial services, pharmaceutical prescription dispensing, or government services may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).
 - (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building **on the development site** may contain 50,000 square feet of building area on the ground floor.

Section 7. Section 9.4290 of the Eugene Code, 1971, is amended to provide as follows:

9.4290 Density and Development Standards. In addition to the requirements of the base zone, the following standards shall apply **to all development, except that the standards in subsection (2) and (3) do not apply to single-family dwellings or duplexes:**

- (1) **Minimum Residential Density and Floor Area Ratio (FAR).**
 - (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
 - (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
 - (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).
- (2) **Building Setbacks.**
 - (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
 - (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.
- (3) **Parking Between Buildings and the Street.**
 - (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
 - (b) For **a development** site[s] that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
 - (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.
 - (d) **For a development site with frontage on more than one street, these standards only apply along one street frontage.**
- (4) **Adjustments.** [~~Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a]~~An adjustment to any of the standards in

this section may be made [~~for /ND parcels with no alley access or with physical or legal constraints pursuant to~~] **based on** the criteria [~~beginning at~~] *in* EC [9.8015] **9.8030(31)** [~~of this land use code. Adjustments to this section may be made for any parcel within the Downtown Plan Area based on the criteria at EC 9.8030(16)].~~

Section 8. Subsections (4) and (7) of Section 9.4530 of the Eugene Code, 1971, is amended to provide as follows:

9.4530 /TD Transit Oriented Development Overlay Zone Development Standards.

- (4) **Parking Between Buildings and the Street.**
- (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
 - (b) For **a development** site[s] that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
 - (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street. **(See Figure 9.4530(6) Parking Between Buildings and the Street in /TD Area.)**
 - (d) **For a development site with frontage on more than one street, these standards only apply along one street frontage.**
- (7) **Adjustments.** [~~Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a]~~An adjustment to any of the standards in this section may be made [~~pursuant to~~] **based on** the criteria [~~beginning at~~] *in* EC [9.8015] **9.8030(32)** [~~of this land use code. Within the Downtown Plan Area, adjustments to any of the standards in this section may be made based on the criteria at EC 9.8030(16)].~~

Section 9. Subsections (2) and (16) of Section 9.8030 of the Eugene Code, 1971, are amended, and Sections (31) and (32) of Section 9.8030, are added 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.
- (2) **Setback Standards Adjustment.** Where this land use code provides that the setback standards applicable to specific zones may be adjusted, the standards may be adjusted upon finding that the proposed setback is consistent with the following applicable criteria:
- (a) **Minimum and Maximum Front Yard Setback Adjustment.** The minimum or maximum required front yard setback may be adjusted if the proposal achieves all of the following:
 1. Contributes to the continuity of building facades along the street.

2. Creates an attractive pedestrian environment along all adjacent streets
 3. Is compatible with adjacent development.
Maximum front yard setbacks may be adjusted without any requirement for pedestrian amenities if the location of the front yard is unsafe or intrinsically unsuitable for pedestrians or to protect disruption to significant natural resources.
- (b) Minimum Setbacks for Park Improvements in PRO Zone. The minimum required special setbacks for park improvements may be adjusted upon a finding that the proposal achieves all of the following:
1. Consistent with EC 9.2600 Purpose of PRO Park, Recreation and Open Space Zone.
 2. Is compatible with adjacent development.
- (c) Minimum Setbacks for Drive-Through Facility Service Areas and Stacking Lanes. Standards establishing a minimum setback for service areas and stacking lanes may be adjusted upon a finding that the proposal achieves all of the following:
1. Is compatible with adjacent development.
 2. Creates an attractive pedestrian environment along all adjacent streets.
 3. Where necessary, provides visual separation between adjacent development.
- (d) Outdoor Merchandise Display in C-2 and C-4. The limitation on outdoor merchandise display in EC [~~9.2174(11)(b)2.~~] **9.2170(8)(b)2.** may be adjusted upon a finding that the proposed adjustment is consistent with the intent set out in EC 9.2170(1).
- (16) Downtown Plan Area.** Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
 - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
 - (c) For adjustments pursuant to EC [~~9.2174(13)]~~ **9.2170(10)** only, placing utilities underground would be unreasonably onerous to the applicant.
- (31) /ND Nodal Development Overlay Zone. *Where this land use code provides that a development standard applicable within the /ND Nodal Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency***

- with all of the following:*
- (a) *The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:*
 - 1. *A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and*
 - 2. *An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.*
 - (b) *Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.*
- (32) */TD Transit Oriented Development Overlay Zone. Where this land use code provides that a development standard applicable within the /TD Transit Oriented Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:*
- (a) *The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:*
 - 1. *A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and*
 - 2. *An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.*
 - (b) *Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.*

Section 10. EC “Map 9.8670 Downtown Traffic Impact Analysis Exempt Area” is added as shown on Exhibit D attached hereto, and Section 9.8670 of the Eugene Code, 1971, is amended to provide as follows:

9.8670 **Applicability.** Traffic Impact Analysis Review is required when one of the [following] conditions *in subsections (1) – (4) of this section* exist[.] ***unless the development is within an area (a) shown on Map 9.8670 Downtown***

Traffic Impact Analysis Exempt Area, or (b) subject to a prior approved Traffic Impact Analysis and is consistent with the impacts analyzed.

- (1) The development will generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.
- (2) The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city's traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.
- (3) The city has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards.
- (4) For development sites that abut a street in the jurisdiction of Lane County, a Traffic Impact Analysis Review is required if the proposed development will generate or receive traffic by vehicles of heavy weight in their daily operations. For purposes of EC 9.8650 through EC 9.8680, "daily operations" does not include routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service. "Daily operations" does include, but is not limited to, delivery (to or from the site) of materials or products processed or sold by the business occupying the site. For purposes of EC 9.8650 through EC 9.8680, "heavy vehicles" are defined as a single vehicle or vehicle combination greater than 26,000 pounds gross vehicle weight or combined gross vehicle weight respectively.

Section 11. Subsection (3) of Section 9.9650 of the Eugene Code, 1971, is amended to provide as follows:

9.9650 TransPlan Policies.

- (3) **Transportation System Improvements: Roadways.** Motor vehicle level of service policy:
 - (a) Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
 1. Identifying capacity deficiencies on the roadway system.
 2. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
 3. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
 - (b) Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
 1. **Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;**
 2. Level of Service E within **the portion of** Eugene's Central Area Transportation Study (CATS) area[;] **that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area;** and

3. Level of Service D elsewhere.
- (c) Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of Policy F-15: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

Section 12. TSI Roadway Policy #2 of the Eugene-Springfield Transportation System

Plan (TransPlan), is amended to provide as follows:

TSI Roadway Policy #2: Motor Vehicle Level of Service

1. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
 - a. Identifying capacity deficiencies on the roadway system.
 - b. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
 - c. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
2. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
 - a. ***Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;***
 - b. Level of Service E within ***the portion of*** Eugene's Central Area Transportation Study (CATS) area[;] ***that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area;*** and
 - c. Level of Service D elsewhere.
3. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not

limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

Policy F.15 of the Eugene-Springfield Area Metropolitan Plan, is amended as follows:

F.15 Motor vehicle level of service policy:

- a. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
 - (1) Identifying capacity deficiencies on the roadway system.
 - (2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
 - (3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.

- b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
 - (1) **Level of Service F within Eugene’s Downtown Traffic Impact Analysis Exempt Area;**
 - (2) Level of Service E within **the portion of** Eugene’s Central Area Transportation Study (CATS) area[,] **that is not within Eugene’s Downtown Traffic Impact Analysis Exempt Area;** and
 - (3) Level of Service D elsewhere.

- c. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

Section 13. Notwithstanding Section 9 of this Ordinance adopting amendments to EC 9.8030(16), the previous amendment to EC 9.8030(16)(a) adopted by Ordinance No. 20513 on

July 8, 2013, which will become effective on August 9, 2013, shall continue and is neither repealed nor superseded by this Ordinance.

Section 14. The findings set forth in Exhibit E attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 15. 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 16. 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.

Passed by the City Council this
___ day of _____, 2013

Approved by the Mayor this
___ day of _____, 2013

City Recorder

Mayor