

DRAFT

Single Family Code Amendments

Proposed Code Language

Blue italic text = Proposed additions

Red italic text = Proposed Interim Protection Measures

~~Strike through text~~ = Text to be removed.

Definitions

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. *For the purposes of EC 9.2700 through 9.2779, 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.*

Alley Access Lot/Parcel. A lot, ~~or~~ parcel *or lot of record* abutting an alley and not abutting a street and created from the rear portion of an existing lot or parcel. For purposes of EC 9.3050 through 9.3065, an alley access lot or parcel is one that abuts an alley but does not abut a street.

Bedroom. ~~Within a multiple-family dwelling, a~~ *A* bedroom is any room that either:

- (A) Is designated as a bedroom on a development plan submitted to the city;
- (B) Is included in the number of bedrooms stated in an advertisement, rental or sales contract, marketing material, loan application, or any other written document in which the owner, or an authorized agent of the owner, makes a representation regarding the number of bedrooms available in the dwelling; or
- (C) Meets all of the following:
 1. Is a room that is a “habitable space” as defined by the current Oregon Structural Specialty Code (OSSC) or Oregon Residential Specialty Code (ORSC);
 2. Meets the OSSC or OSRC bedroom requirements for natural light, ventilation, and emergency escape and rescue windows;
 3. Is a room that is accessed by a door on an interior wall and that does not provide access to another room except for a bathroom, toilet room, closet, hall, or storage or utility space.

Dwelling, Secondary. A dwelling unit that is located on the same ~~parcel~~ *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.*

9.1245 **Legal Pre-Existing Structures.** *The structures listed in Table 9.1245 Legal Pre-Existing Structures shall be considered to be pre-existing as long as such structures were legally established. These structures may continue, and are not subject to the provisions of sections 9.1200 through 9.1230. Determinations as to whether a particular structure qualifies as a pre-existing structure shall be made by the Planning Director.*

<i>R-1 Low Density Residential</i>	<i>Secondary Dwellings</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>
<i>R-1 Low Density Residential</i>	<i>Accessory Buildings</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>
<i>R-1 Low Density Residential</i>	<i>Alley Access Lot Dwellings</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>
<i>R-1 Low Density Residential within the within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association</i>	<i>Secondary Dwelling, Rowhouse, Duplex, Triplex, Foupex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building</i>	<i>Limited to those in existence on [date of ordinance adoption]</i>

9.2735 **Residential Zone Siting Requirements.** In addition to the approval criteria of EC 9.8865 Zone Change Approval Criteria, a property proposed for the R-1.5 zone shall not exceed the area needed to accommodate up to 8 rowhouse lots and shall be located at least 500 feet, as measured along existing street public right-of-way, from any other property zoned R-1.5. *Zone changes to R-1.5 are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

9.2740 **Residential Zone Land Use and Permit Requirements.** The following Table 9.2740 Residential Zone Land Use and Permit Requirements identifies those uses in the residential 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 an approved conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to 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 that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

The examples listed in Table 9.2740 are for informational purposes and are not exclusive. Table 9.2740 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Accessory Uses					
Accessory Uses. <u>Examples</u> include a garage, storage shed, and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P	P	P	P	P
Residential					
Dwellings. (All dwellings 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.)					
One-Family Dwelling (1 Per Lot in R-1)	P		P	P	P
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P(2)				
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(3)	P(3)	P	P	P
Duplex (Two-Family Attached on Same Lot)	P(4)		P	P	P
Tri-plex (Three-Family Attached on Same Lot) See EC 9.5500	S(5)		S	S	S
Four-plex (Four-Family Attached on Same Lot) See EC 9.5500	S(6)		S	S	S
Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500	PUD		S	S	S
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S or SR		S or SR		
Controlled Income and Rent Housing where density is above that normally permitted in the zoning yet not to exceed 150%. (Shall comply with multiple-family standards in EC 9.5500 or be approved as a PUD.)	S or PUD see Map 9.274 0		S or PUD see Map 9.274 0	S or PUD see Map 9.274 0	

9.2741 Special Use Limitations for Table 9.2740.

- (2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards ~~below~~ *beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots, and within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

[Note: This remainder of this section moved to EC 9.2750 and revised]

- ~~(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~
 - ~~1. The dwelling shall not exceed 800 square foot unless occupying the full story of a multi-story structure with ground floor residential use.~~
 - ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~

- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. 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.~~

~~(b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:~~

- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
- ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
- ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
- ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
- ~~5. 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 (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.~~

(3) Rowhouses.

(a) In R-1, new rowhouses are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

(b) In R-1.5, rowhouses shall comply with all of the following:

- ~~(a)~~ **1. Maximum Building Size:** Eight rowhouses in a building, no more than 180 feet in width.
- ~~(b)~~ **2. Minimum Interior or Rear Open Space Required:** 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.
- ~~(c)~~ **3.** Auto access and parking shall be provided from the alley to the rear of the lot; there shall be no auto access from the front of the lot.
- ~~(d)~~ **4.** Siting requirements of EC 9.2735.

(4) Duplex. When located in R-1, a duplex shall conform to 1 of the following standards *below, except that new duplexes are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:*

- (a) The duplex was legally established on August 1, 2001.
- (b) The duplex is on a corner lot abutting public streets as provided in EC 9.2760 Residential Zone Lot Standards, which is at least 8,000 square feet in size.
- (c) The duplex is on a lot that was identified as being developable for a duplex on a subdivision plat.

(5) Triplex. When located in R-1, a triplex shall be on a lot that was identified as a triplex lot in a subdivision, *except that new triplexes are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

(6) Four-plex. When located in R-1, a four-plex shall be on a lot that was identified as a

four-plex lot in a subdivision, *except that new four-plexes are prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

9.2750 Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply. *In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards shall apply.*

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum	--	10 units	20 units	20 units
Maximum Net Density per Acre	14 units	--	28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5),					
Main Building. Includes Secondary Dwellings Within the Main Building, <i>but does not include main building on an Alley Access Lot.</i>	30 feet	35 feet	35 feet	50 feet	120 feet
<i>Main Building on Alley Access Lot</i>	<i>See EC 9.2779(4)</i>	--	--	--	--
Accessory Building. Includes Secondary Dwelling Unit Detached from Main Dwelling (See EC 9.2741(2)(b) if located within 20 feet of property line.)	20 feet <i>See (15)</i>	20 feet	25 feet	30 feet	30 feet
<i>Secondary Dwelling Detached from Main Dwelling (See EC 9.2741(2)(b) if located within 20 feet of property line.)</i>	<i>See (16)</i>	--	--	--	--
Minimum Building Setbacks (2), (4), (6), (9), (10), (11)					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (12)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	--	--	--	--
<i>Interior Yard Setback for Alley Access Lots in R-1</i>	<i>See EC 9.2779(4)</i>	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
Maximum Lot Coverage					
All Lots, Excluding <i>Alley Access Lots in R-1 and Rowhouse Lots</i>	50% of Lot	--	50% of Lot	--	--
<i>Alley Access Lots in R-1</i>	<i>See EC 9.2779(4)</i>	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area (132)					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
Fences (143)					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 feet
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
Driveways and Parking Areas (154)					
General Standards	--	--	--	See (154)(b)	See (154)(b)
<i>Area-specific</i>	<i>See (14)(a)</i>	--	--	--	--
Accessory Buildings in R-1 (15)					
<i>General Standards</i>	<i>See (15)(a)</i>	--	--	--	--
<i>Area-specific</i>	<i>See (15)(b)</i>	--	--	--	--
Secondary Dwelling Units (16)					
<i>General Standards</i>	<i>See (16)</i>	--	--	--	--
Maximum Bedroom Count (17)					
<i>Area-specific</i>	<i>See (17)</i>	--	--	--	--

9.2751 Special Development Standards for Table 9.2750.

(3) **Building Height.**

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:
 1. In the R-3 zone between 19th and 20th Avenues, the maximum building height is 35 feet.
 2. In the R-4 zone west of Hilyard Street, the maximum building height is

65 feet.

3. In the R-4 zone east of Hilyard Street, the maximum building height is:
 - a. 35 feet within the area south of 19th Avenue;
 - b. 50 feet within the half block abutting the north side of 19th Avenue;
 - c. 65 feet within the half block abutting the south side of 18th Avenue.

(See Figure 9.2751(3)).

- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south the maximum building height is 65 feet.

(See Figure 9.2751(3)).

- (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones, *except that this additional building height allowance is not permitted for secondary dwellings, accessory buildings in the R-1 zone, or development on alley access lots.*

- (8) **Area-specific Interior Yard Setback.** For R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19th Avenue to the north and East 20th Avenue to the south and that are abutting or across an alley from R-1 zoned property:

- (a) The interior yard setback shall be a minimum of 10 feet from the property line abutting or across an alley from R-1 zoned property; and
- (b) At a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting or across an alley from R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b).

The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in (a) and (b) above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(8))**

- ~~(11) Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks. There are no front yard setbacks since there is no frontage on a street.~~

- (121) The 18 foot setback requirement for garages and carports is measured through the centerline of the driveway from the front property line to either the garage door or to the frontmost support post of a carport.

- (132) For multiple-family projects, refer to EC 9.5500(9) Open Space.

(143) Fences.

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.

- (b) Location and Heights.

1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front

yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751(143)(b)1.)**

2. Fences up to 6 feet in height are permitted within the required interior yard setback.
3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.

(154) Driveways and Parking Areas

(a) R-1 Zone. *Within the City-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the following standards apply when a new dwelling or a new parking area serving residential uses is created in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:*

1. *A lot shall have no more than one driveway accessed from a street.*
2. *The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.*
3. *The driveway and associated parking shall be perpendicular to the street.*
4. *A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.*
5. *Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.*

(b) R-3 and R-4 Zones. Except for development subject to the Multi-Family Development standards at EC 9.5500 and development authorized through a planned unit development approved prior to June 15, 2012, the following standards apply when a new dwelling or new parking area serving residential uses is created in the R-3 or R-4 zones.

- ~~(a)~~ 1. Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
- ~~(b)~~ 2. Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.
- ~~(c)~~ 3. Except for a driveway and associated parking area shared by two adjoining lots ("shared driveway"), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
- ~~(d)~~ 4. Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
- ~~(e)~~ 5. When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
- ~~(f)~~ 6. Except for shared driveways and as provided in ~~(h)~~ 8. below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width.

Shared driveways and associated parking areas shall not exceed 24 feet in width.

- ~~(g)~~ 7. Except as provided in ~~(h)~~ 8. below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.
- ~~(h)~~ 8. When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.
- ~~(i)~~ 9. All portions of required front yard setbacks not otherwise covered by a legal driveway or by projecting building features as allowed per EC 9.6745(3) shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the street to the entrance of a dwelling. The pedestrian path shall be separated from any vehicle use areas by a minimum of 3 feet. The area between the vehicle use area and the pedestrian path shall be landscaped and maintained with living plant material.
- ~~(j)~~ 10. No parking shall occur in the landscaped portion of the required front yard setback.
- ~~(k)~~ 11. Adjustments to the standards in subsection ~~(i)~~ 9. may be made, based on the criteria at EC 9.8030(30).

(See Figure 9.2751(154)(b))

(15) Accessory Buildings in R-1.

(a) General Standards. *Except as provided in subsection (b) below, the following standards apply to all new accessory buildings in the R-1 zone that are detached or that share a common wall with the primary dwelling for less than 8 feet:*

1. Building Size.

a. *For accessory buildings on development sites less than one acre (43,560 square feet) in area with a dwelling, the maximum square footage of all detached accessory buildings shall be limited to the lesser calculation of the following:*

- *75-percent of the structure containing the primary dwelling*
- *1,000 square feet*

For the purposes of calculating area, all floors of a multi-story structure shall be included.

b. *For accessory buildings on development sites 43,560 square feet or greater in area, or on development sites with a non-residential use, there is no building size limitation.*

2. Building Height/ Setback.

a. *For accessory buildings on development sites less than one acre with a dwelling, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 22 feet. (See Figure 9.2751(15)(a)2.a.)*

b. *For accessory buildings on development sites 43,560 square feet or greater in area or on development sites with a non-residential use, the interior yard setback shall be 10 feet and the building height shall*

be limited to 25 feet.

3. Use. *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except as provided below.*
 - a. *An accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*
 - (1) *The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*
 - (2) *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
 - (3) *The deed restriction may be terminated, upon approval by the City, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*

4. Pre-existing Structures. *Legally established accessory buildings that conform to the development standards required in the R-1 zone prior to [date of ordinance adoption] are subject to Table 9.1245 Legal Pre-Existing Structures.*

5. Adjustment Review. *The standards in EC 9.2751(16)(a)1. and 2. regarding building size and building height/setback may be adjusted, based on the criteria at EC 9.8030(34). For accessory buildings in the R-1, these are the only standards that may be adjusted.*

- (b) Area-specific Standards. *The following standards apply to all new accessory buildings associated with a residential dwelling in the R-1 zone within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association that are detached or that share a common wall with the primary dwelling for less than 8 feet:*
 1. *In addition to any accessory buildings legally established prior to [date of ordinance adoption], one accessory building is allowed.*
 2. *The accessory building shall not exceed 400 square feet in area.*
 3. *The accessory building shall not exceed 18 feet in height.*
 4. *An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for every 12 inches horizontally.*
 5. *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.*
 6. *The accessory building shall not include more than one plumbing fixture.*
 7. *For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, 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 the following statements:*
 - a. *The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.*
 - b. *If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and*

- remove the plumbing fixture from the building.*
- c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.*
- d. The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.*
- e. The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.*

(16) Secondary Dwelling.

- (a) Attached Secondary Dwellings. Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
1. Lot Area. ~~Except for flag lots, To allow for a secondary dwelling, the lot shall be~~ *contain* at least 4,500 square feet. ~~except that f~~ *Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.*
 2. Building Size. ~~The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls unless occupying the full story of a multi-story structure with ground floor residential use.~~ *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. Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.*
 3. Minimum Attachment. *The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.*
 4. Maximum Bedrooms. *The secondary dwelling unit shall contain no more than 2 bedrooms.*
~~There shall be at least 1 off street parking space on the property~~
 5. 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.*
 6. Ownership/Occupancy Requirements. *Either the primary dwelling or the secondary dwelling shall be the primary residence of the property owner. The primary residence must be occupied by the property owner for a minimum of 6 months of each calendar year by a property owner with at least 50 percent interest in the property. The primary 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.*

[OR as an alternative to the 50 percent interest above: The property owner 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.]

7. Temporary Leave. Notwithstanding subsection 6. above, a property owner may temporarily vacate the primary 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 primary 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.
 8. Deed Restriction. Prior to issuance of ~~final occupancy~~ 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 ~~notice~~ 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: documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.*
 - a. *One of the dwellings must be the primary residence of a property owner with at least 50 percent interest in 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 primary occupancy of one of the dwellings by the owner.*
 9. 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 6. 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 primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) Detached Secondary Dwellings. In addition to the standards in subsection (a) of this section, detached secondary dwellings shall

comply with the following:

1. Lot Area. ~~Except for flag lots,~~ *To allow for a secondary dwelling, the lot shall be contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
 2. Pedestrian Access. ~~Provide a~~ *A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary 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 entrance~~ *entry to a secondary dwelling shall be defined by a covered or roofed porch 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/Sloped Setback.
 - a. *For detached secondary dwellings located within 20 feet of a property line:*
 - (1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*
 - (2) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 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.*
 - b. *For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*
 - c. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 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)5.a.)
 7. 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 5 feet.*
- (c) Adjustment Review. *The standards in EC 9.2751(15)(a)7. regarding temporary leave and in EC 9.2751(15)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, these are the only standards that may be adjusted.*
- (d) Pre-Existing Structures. *Legally established accessory buildings that*

conform to the development standards required in the R-1 zone prior to [date of ordinance adoption] are subject to Table 9.1245 Legal Pre-Existing Structures.

(e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.

(17) Maximum Bedroom Count. In the R-1 zone within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, no more than 3 bedrooms shall be allowed in a dwelling. This standard applies to new dwellings and to building additions, expansions and alterations of existing dwellings.

9.2760 Residential Zone Lot Standards. The following Table 9.2760 sets forth residential zone lot standards, subject to the special standards in EC 9.2761.

Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Lot Area Minimum (1)					
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots, <i>Alley Access Lots</i>	4,500 square feet	--	4,500 square feet	4,500 square feet	4,500 square feet
Small Lots (2)	Per Cluster Subdivision or PUD	--	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD	2,250 square feet or per Cluster Subdivision or PUD
Rowhouse Lots (3) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (In R-1, lots shall be indicated on the final subdivision plat as developable as a triplex. Such lots may not be created by a partition)	12,000 square feet	--	--	--	--

Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
Residential Flag Lot (4) (Existing lot shall be at least 13,500 square feet.)	6,000 square feet	--	6,000 square feet	6,000 square feet	6,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet	--	3,600 square feet	3,600 square feet	3,600 square feet
<i>Alley Access Lot (11)</i> <i>(Existing lot or lots shall be at least 9,000 square feet)</i>	<i>2,250 square feet</i>	<i>–</i>	<i>–</i>	<i>–</i>	<i>–</i>
Lot Frontage Minimum (1)					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35feet (9)	35feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)					
1 Lot	15 feet	--	15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<i>Alley Access Lot (11)</i>	<i>0 feet</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
Lot Width Minimum (1)					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Cul-de-sac Bulb Lot	35 feet	20 feet	20 feet	20 feet	20 feet
Residential Flag Lot (4)	50 feet	--	--	--	--
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<i>Alley Access Lot (11)</i>	<i>50 feet</i>	<i>–</i>	<i>–</i>	<i>–</i>	<i>–</i>
Lot Area Maximum (5)					
New subdivisions and partitions only	13,500 square feet	–	–	–	–
Housing Mix Maximum (6)					
Duplex	See EC 9.2741(4)	–	–	–	–
Triplex	See EC 9.2741(5)	–	–	–	–
Four-plex	See EC 9.2741(6)	–	–	–	–

9.2761 Special Standards for Table 9.2760.

- (2) **Small Lots.** Lots shall comply with other small lot provisions unless approved as a cluster subdivision or a Planned Unit Development (PUD). (See EC 9.2770 Small Lot Standards for R-2, R-3 and R-4 Zones.)
- (3) **Rowhouse Lots.**
- (a) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density

in the subdivision complies with Table 9.2750 Residential Zone Development Standards, *except that the creation of new rowhouse lots is prohibited within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*

- (b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.
- (4) **Flag Lots.**
- (a) No variances to residential flag lot standards are allowed.
- (b) *The creation of new flag lots is prohibited in the R-1 zone within the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.* ~~Minimum lot area excludes the pole portion of the lot.~~
- (c) Other residential flag lot standards also apply. (See EC 9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.)
- (5) Exceptions to the maximum lot size shall be granted if any of the following is met:
- (a) Existing physical circumstances such as topographically constrained lands, conservation easements, existing buildings, or utility easements prevent the ability to further divide the lot.
- (b) The lot exceeding the maximum lot size is intended to reserve a large lot for future land division with feasibility demonstrated by a conceptual buildout plan.
- (c) The subdivision achieves a minimum density of 9 units per net acre.
- (d) The exception will enable protection of natural resources.
- (6) Unless approved through a planned unit development process, in any 1 subdivision there shall be a maximum of 25% duplex lots, 15% triplex lots, and 10% fourplex lots. At least 50% of the lots must be for one-family detached dwellings or rowhouses. Fractions are reduced to the next lowest number.
- (7) In R-1, interior lots shall not have frontage on two non-intersecting streets unless approved through the cluster subdivision or planned unit development process where alternative proposals were evaluated, and there is no feasible alternative to the creation of double frontage lots.
- (8) **Duplex Division Lots.** Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)
- (9) Lot width and lot frontage minimums in R-2, R-3 and R-4 can be reduced to 20 feet as part of an approved site review plan, planned unit development, or cluster subdivision. Unless otherwise approved through a planned unit development or cluster subdivision, at no point, for the entire extent of the lot, shall the side lot lines be less than 20 feet apart.
- (10) Alley Access Only Lots/Parcels can be created only through an approved cluster subdivision in the R-1 zone or an approved planned unit development in any zone.
- (11) **Alley Access Lots.**
- a. *The creation of new alley access lots is prohibited in the R-1 zone within the boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- b. *Alley access lots shall comply with other alley access lot standards.* (See EC 9.2779 Alley Access Lot Standards.)

9.2779

Alley Access Lot Standards

- (1) **Purpose.** To provide opportunities for single family housing variety and choice, home ownership, and affordable housing, and to promote the efficient use of residential land by allowing the creation of a lot that fronts an alley rather than a street and is created from the rear portion of an existing lot. Development standards are included to specifically address design considerations and compatibility.
- (2) **Land Division Regulations.**
- (a) **Original Lot.** The original lot or lots shall be a minimum of 9,000 square feet in area prior to the creation of the alley access lot. If the original lot(s) meet(s) the required lot area and dimensions to create a flag lot or an alley access lot, only an alley access lot shall be created.
 - (b) **Front Lot.** The street fronting lot shall meet the lot standards for R-1 lots
 - (c) **Lot Area.** The alley access lot shall be a minimum of 2,250 square feet and shall not exceed 40 percent of the area of the street fronting lot.
 - (d) **Lot Width.** The alley access lot shall have a minimum width of 50 feet, and shall abut the alley for a minimum width of 50 feet.
 - (e) **Lot Depth.** No portion of the alley access lot shall have a depth of less than 35 feet.
 - (f) **Distance from street.** The closest corner of the alley access lot shall be no less than 125 feet from the centerline of the alley and the street intersection.
 - (g) **Alley Improvement.** The minimum improvement width for the alley shall be 12 feet.
- (3) **Use Regulations.**
- (a) Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling unit.
- (4) **Development Standards.**
- (a) **Applicability.** The following standards apply to all alley access lots existing as of [date of ordinance adoption] and to new alley access lots.
 - (b) **General.** All base zone requirements must be met, unless otherwise stated in this section.
 - (c) **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. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.
 - (d) **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.
 - (e) **Building Height/Interior Setback.**
 - 1. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 14 feet above finished grade, the setback shall slope at the rate of 8 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 24 feet.
 - 2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

(See Figure 9.2779(4)(e)1.)

- (f) Windows, Dormers and Balconies.
1. Any window on the upper story must be located a minimum of 10 feet from any property line.
 2. 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.
 3. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.
- (g) Bedrooms. The dwelling shall contain no more than 3 bedrooms.
- (h) 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.
- (i) 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.
- (j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
- (k) Parking and Driveway.
1. 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.
 2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
 3. 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.
 4. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
 5. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
 6. 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.
 7. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
 8. 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.
 9. 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.
 10. No parking shall occur outside of the vehicle use area.
- (See Figure 9.2779(4)(k))**
- (l) 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.

(m) Accessory buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(15), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.

*(5) **Adjustment Review.** The development standards in subsections EC 9.2779(4)(e), and (f) regarding building height/setback, and windows, dormers and balconies, may be adjusted in accordance with EC 9.8030(36). For alley access lots, these are the only standards that may be adjusted.*

9.6105 Bicycle Parking Standards.

(5) Minimum Required Bicycle Parking Spaces. The minimum required number of bicycle parking spaces shall be calculated according to Table 9.6105(5) Minimum Required Bicycle Parking Spaces.

Table 9.6105(5) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)	Type and % of Bicycle Parking
Lodging		
Hotel, Motel, and similar business providing overnight accommodations	1 per 10 guest bedrooms.	75% long term 25% short term

9.6410 Motor Vehicle Parking Standards. Except as provided in this section, or in an adjustment pursuant to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment, the minimum number of required off-street parking spaces shall be calculated as provided in Table 9.6410 Required Off-Street Motor Vehicle Parking.

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
Lodging	
Hotel, Motel, and similar business providing overnight accommodations	1 per guest bedroom.

9.6505 Improvements - Specifications. All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:

(3) Streets and Alleys.

- (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
- (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided the City makes findings to

demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.

- (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (d) *Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site with a temporary surface, designed and constructed in accordance with the City's adopted temporary surface permit procedures.*

9.6745 Setbacks-Intrusions Permitted.

- (6) **Driveways.** Except as provided in EC 9.2751(154)(~~eb~~)**3. Driveways and Parking Areas in R-3 and R-4,** in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.
- (7) **Parking Spaces in Required Setbacks.**
 - (a) Except as provided in EC 9.2751(154) Driveways and Parking Areas in R-3 and R-4, in areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:
 1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
 2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
 3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
 4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.

9.6775 Underground Utilities.

- (1) *Exemptions from Underground Utility Standards. The following are exempt from the undergrounding requirement of this section:*
 - (a) ~~Temporary~~ *Temporary uses on a development site.*
 - (b) ~~or to New~~ *utility connections to structures or buildings with legally established above ground utility service.*
 - (c) *Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.*
 - (d) *Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.*

(2) *Underground Utility Standards.* All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~This provision does not apply to [Text moved above].~~ This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

9.6870 Street Width. Unless an alternative width is approved through use of other procedures in this code, the right-of-way width and paving width of streets and alleys dedicated shall conform to those designated on the adopted Street Right-of-Way map. When a street segment right-of-way width is not designated on the Street Right-of-Way map, the required street width shall be the minimum width shown for its type in Table 9.6870 Right-of-Way and Paving Widths. Based on adopted plans and policies, adopted “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways,” or other factors which, in the judgment of the planning and public works director necessitate a greater street width, a right-of-way width greater than the minimum width shown for its type in Table 9.6870 can be required for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515. The required alley width shall be the width shown for its type in Table 9.6870 Right-of-Way and Paving Width, unless, for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515, a lesser width is approved by the planning director and public works director based on adopted plans and policies, adopted “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways” or other factors which, in the judgment of the planning and public works director allow for a lesser alley width.

Type of Street or Alley	Right-of-Way (for Public Streets and Alleys only)	Paving Width
Major Arterials	100' – 120'	68' – 94'
Minor Arterials	65' – 100'	46' 70'
Major Collector	60' – 75'	32' – 44'
Neighborhood Collector	40' 55'	20' – 43'
Bicycle and Pedestrian Accessway:		
With Fire Accessibility	20'	20'
Without Fire Accessibility	10'	10'
Local Streets		
Alley (secondary access <i>or access to an alley access lot in R-1</i>) only	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'
Cul-de-sac Bulb Radius:		
Residential	48.5''	35'
Non-residential	62'	50'

*Measured from face to face of curbs

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.

(30) Driveways and Parking Areas in R-3 and R-4. The standards at EC 9.2751(14)(i) ~~(14)(b)9.~~ may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.

(34) Accessory Buildings in R-1. *Where this land use code provides that the standards for accessory buildings in R-1 may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*

(a) Building Height/Setback or Building Size

1. *The location and design of the accessory building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
2. *The exterior design of the building maintains the scale of the neighborhood.*
3. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*

(35) Secondary Dwellings. *Where this land use code provides that the standards for secondary 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.*

(b) Conversion of Existing Building. *A legally established building existing as of [date of ordinance adoption] may be converted to a secondary dwelling if it complies with all of the following:*

1. *The secondary dwelling is limited to 800 square feet in total building square footage, and occupies the first floor of a multi-story building or is limited to one-story.*
2. *The exterior design of the building is compatible with the existing dwelling on the lot, such as through building form, height, and construction materials.*
3. *The exterior design of the building maintains the scale of the neighborhood.*
4. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*

(c) Building Height. *A detached secondary dwelling may be located above a detached accessory building if the secondary dwelling is limited to 500 square feet in area, the building does not exceed 24 feet in building height, and complies with all of the following:*

1. *The exterior design of the building is compatible with the primary dwelling on the lot, such as through building form, height, and construction materials.*
2. *The exterior design of the building maintains the scale of the neighborhood.*
3. *The location and design of the building maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, solar access or parking of adjacent properties.*

4. *Access stairs, decks, balconies, entry doors and large windows are oriented to the primary dwelling to the greatest extent possible, or to an alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.*
5. *The design of the building relates to the design of the primary dwelling and shall not visually dominate it or the surrounding properties.*

(36) Alley Access Lots. *Where this land use code provides that the development standards for alley access lots in R-1 may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*

(a) Building Height/Interior Setback or Windows, Dormers, Balconies.

1. *The exterior design of the dwelling maintains the scale of the neighborhood.*
2. *The location and design of the dwelling maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, or solar access of adjacent properties.*
3. *The impacts of windows or balconies to the privacy of the neighboring side or rear yard have been minimized such as through design, location, open space or landscaping.*
4. *The design of the dwelling does not visually dominate the surrounding properties.*

9.8405 Applicability of Property Line Adjustment Applications.

- (3)** A property line adjustment application may not be utilized to create flag lots *or alley access lots.*

9.8415 Property Line Adjustment Approval Criteria. The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria:

- (6)** *Within the R-1 zone in the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, property lines may only be adjusted up to 5 feet, measured perpendicularly from the current location of the property line. A Property Line Adjustment allowed under this section may be up to 10 feet if the adjustment is necessary to accommodate an encroachment that existed as of [date of ordinance adoption].*