

NOTE:

Two Ordinances proposing Single Family Code amendments are being presented concurrently. Ordinance #1 concerns accessory buildings, secondary dwelling units and alley access lots in R-1. Ordinance #2 (the Ordinance set out below) concerns protection measures that are specific to the University area.

The Code amendments proposed in this Ordinance (Ordinance #2) are shown with ***bold italic double underline*** for additions, and ~~double strikethrough~~ for deletions. The amendments shown in normal legislative format (i.e., additions in ***bold italics***, and deletions in ~~[strikethrough]~~), are proposed amendments being processed in Ordinance #1 and have not yet been adopted.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENT PROTECTION MEASURES SPECIFIC TO THE UNIVERSITY AREA; AMENDING SECTIONS 9.1245, 9.2735, 9.2740, 9.2741, 9.2750, 9.2751, 9.2761, 9.6410, 9.6745, 9.8030, AND 9.8415 OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. As part of Envision Eugene, the City is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to addresses impacts from proximity to the University of Oregon. However, this work is not slated to begin until following the local adoption of Envision Eugene, including a Eugene-specific urban growth boundary. Interim protection measures in the form of code amendments are intended to limit further negative impacts until the area planning process is completed.

B. The interim measures would focus on the R-1 Low Density Residential zoned areas in the South University, Fairmount and Amazon neighborhoods, which have experienced a substantial increase in unintended housing associated with the demand for student housing and the proximity of the University of Oregon. It is anticipated that these measures would remain in place until the area planning process is complete, at which time these measures would be replaced by a more comprehensive set of development and design standards established as part of the area planning effort. Although the timelines for the area planning have not been fully determined, it is estimated that it will be completed in approximately three years. This means the protection measures are expected to be in place for approximately three years, until they are replaced with more permanent measures. No later than 30 months from effective date of this ordinance, the City Manager or designee will bring to the Planning Commission amendments to the Land Use Code referenced in this recital to replace the amendments in this Ordinance that are intended to be interim.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.1245 of the Eugene Code, 1971, is amended to provide as follows:

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.*

Table 9.1245 Legal Pre-Existing Structures		
<i>R-1 Low Density Residential</i>	<i>Secondary Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Accessory Building</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Alley Access Lot Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i><u>R-1 Low Density Residential within the within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association</u></i>	<i><u>Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building</u></i>	<i><u>Limited to those in existence on _____ [effective date of ordinance]</u></i>

Section 2. Section 9.2735 of the Eugene Code, 1971, is amended to provide as follows:

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.**

Section 3. The following entry in Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
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.)					

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	<u>P(3)</u>	P(3)	P	P	P

Section 4. Subsections (2), (3), (4), (5), and (6) of Section 9.2741 of the Eugene Code, 1971, are amended to provide as follows:

[Comment: Subsection (2)(a) shown in strikethrough below is being moved to EC 9.2751(16) and amended under a separate Ordinance.]

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.***

- ~~[(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 feet 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 fourplex shall be on a lot that was identified as a four[-]plex lot in a subdivision, except that new fourplexes are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

Section 5. Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

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

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
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, but does not include main building on an Alley Access Lot.	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot	See EC 9.2779(4)	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] See (15)	20 feet	25 feet	30 feet	30 feet
Secondary Dwelling Detached from Main Building	See (16)	--	--	--	--
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)](11)	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
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	--	--	--	--
Interior Yard Setback for Alley Access Lots in R-1	See EC 9.2779(4)	--	--	--	--
Area-specific Interior Yard Setback	--	--	--	See (8)	See (8)
Maximum Lot Coverage					
All Lots, Excluding Alley Access Lots in R-1 and Rowhouse Lots	50% of Lot	--	50% of Lot	--	--
Alley Access Lots in R-1	See EC 9.2779(4)	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area [(13)](12)					

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
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. [S]site	20% of dev. [S]site
Fences [(14)](13)					
[(})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 [(15)](14)					
General Standards	--	--	--	See [(15)] (14)(b)	See [(15)] (14)(b)
<u>Area-Specific</u>	<u>See (14)(a)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
Accessory Buildings in R-1 (15)					
<u>General Standards</u>	<u>See (15)(a)</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
<u>Area-Specific</u>	<u>See (15)(b)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>
Secondary Dwelling Units (16)					
<u>General Standards</u>	<u>See (16)</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
Maximum Bedroom Count (17)					
<u>Area-specific</u>	<u>See (17)</u>	<u>==</u>	<u>==</u>	<u>==</u>	<u>==</u>

Section 6. Figure 9.2751(14) is relabeled as Figure 9.2751(14)(b) as shown on Exhibit A attached hereto.

Section 7. Subsections (14) and (15) of Section 9.2751 of the Eugene Code, 1971, are amended, and a new subsection (17) is added to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(154) Driveways and Parking Areas in R-3 and R-4.

- (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.

~~(10)~~ 10. No parking shall occur in the landscaped portion of the required front yard setback.

~~(11)~~ 11. Adjustments to the standards in subsection ~~(9)~~ 9 may be made, based on the criteria at EC 9.8030(30).

(See Figure 9.2751[~~(15)~~](14)(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 (with a dwelling) that are 13,500 square feet or less in area, the maximum square footage of all accessory buildings shall not exceed 1,000 square feet.*
- b. *For accessory buildings on development sites (with a dwelling) that are greater than 13,500 square feet and less than 43,560 square feet, the maximum square footage of all accessory buildings shall be 10 percent of the area of the development site but in no case shall the total square footage of all accessory buildings exceed 3,000 square feet.*
- c. *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.*

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

2. **Building Height/Setback.**

- a. *For accessory buildings on development sites (with a dwelling) that are 13,500 square feet or less in area, 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 greater than 13,500 square feet in area or on development sites with a non-residential use, the interior yard setback shall be at least 10 feet. In addition, at a point that is 12 feet above finished grade, the setback shall slope at 10:12 pitch horizontally away from the property line to a maximum building height of 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 that 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:

- a. The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.
 - 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, 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 _____ [effective date of ordinance] 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 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 _____ [effective date of ordinance], 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.
- (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, the maximum allowable number of bedrooms in a dwelling shall be as follows:
- a. New dwellings approved after _____ [effective date of ordinance] shall be limited to 3 bedrooms; or
 - b. Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on [date of ordinance adoption] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for the addition, expansion or alteration that adds bedroom(s), 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 maximum number of unrelated individuals living in dwelling shall be limited to 3.
 - 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, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.

Section 8. Subsections (3), (4), and (11) of Section 9.2761 of the Eugene Code, 1971, are amended to provide as follows:

9.2761 Special Standards for Table 9.2760.

(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) ~~Minimum lot area excludes the pole portion of the lot.~~ **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.**
- (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.)
- (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.)**

Section 9. Subsection (1) of Section 9.6410 of the Eugene Code, 1971, is amended to provide as follows:

9.6410 Motor Vehicle Parking Standards.

- (1) **Location of Required Off-Street Parking Spaces.** Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.
- (a) All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. The off-street parking space requirement for a multi-family dwelling may be satisfied through an agreement that provides parking located on another multi-family dwelling's development site only if the party requesting approval demonstrates that, after the agreement is executed, both development sites will meet the current code's minimum off-street parking space requirement. Each parking space provided through a city approved agreement must have a permanent sign of at least 1 square foot that indicates the name or address of the multi-family dwelling for which the parking is reserved.
- (b) Except as provided in EC 9.2751[(15)](14)(c)(b)3, **Driveways and Parking Areas in R-3 and R-4**, parking areas may be located in required setbacks only as permitted in EC 9.6745 **Setbacks - Intrusions Permitted.**
- (c) Tandem parking spaces may be utilized to meet off-street parking requirements for multi-family dwellings in the R-3 and R-4 zones within the boundaries of the [C]city recognized West University Neighbors and South University Neighborhood Association. Those tandem spaces may only be located in an underground parking area or at least 30 feet from

a public street within a parking area that can be accessed only from an alley. **(For tandem parking on alleys, see Figure 9.6410(1)(c)).**
Tandem parking spaces may not be utilized to meet off-street parking requirements for other types of development in any area.

Section 10. Subsections (6) and (7) of Section 9.6745 of the Eugene Code, 1971, are amended to provide as follows:

9.6745 Setbacks-Intrusions Permitted.

- (6) **Driveways.** Except as provided in EC 9.2751[(45)](14)(e)(b)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[(45)](14) **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.
- (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

Section 11. Subsection (30) of Section 9.8030 of the Eugene Code, 1971, is amended to provide as follows:

- 9.8030 Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or

conditional approval shall be based on compliance with the following applicable criteria.

- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751~~[(15)](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.

Section 12. Subsection (6) of Section 9.8415 of the Eugene Code, 1971, is added to provide as follows:

- 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 _____ [effective date of ordinance].***

Section 13. The findings set forth in Exhibit B attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 14. 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 15. 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.

Section 16. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

___ day of _____, 2013

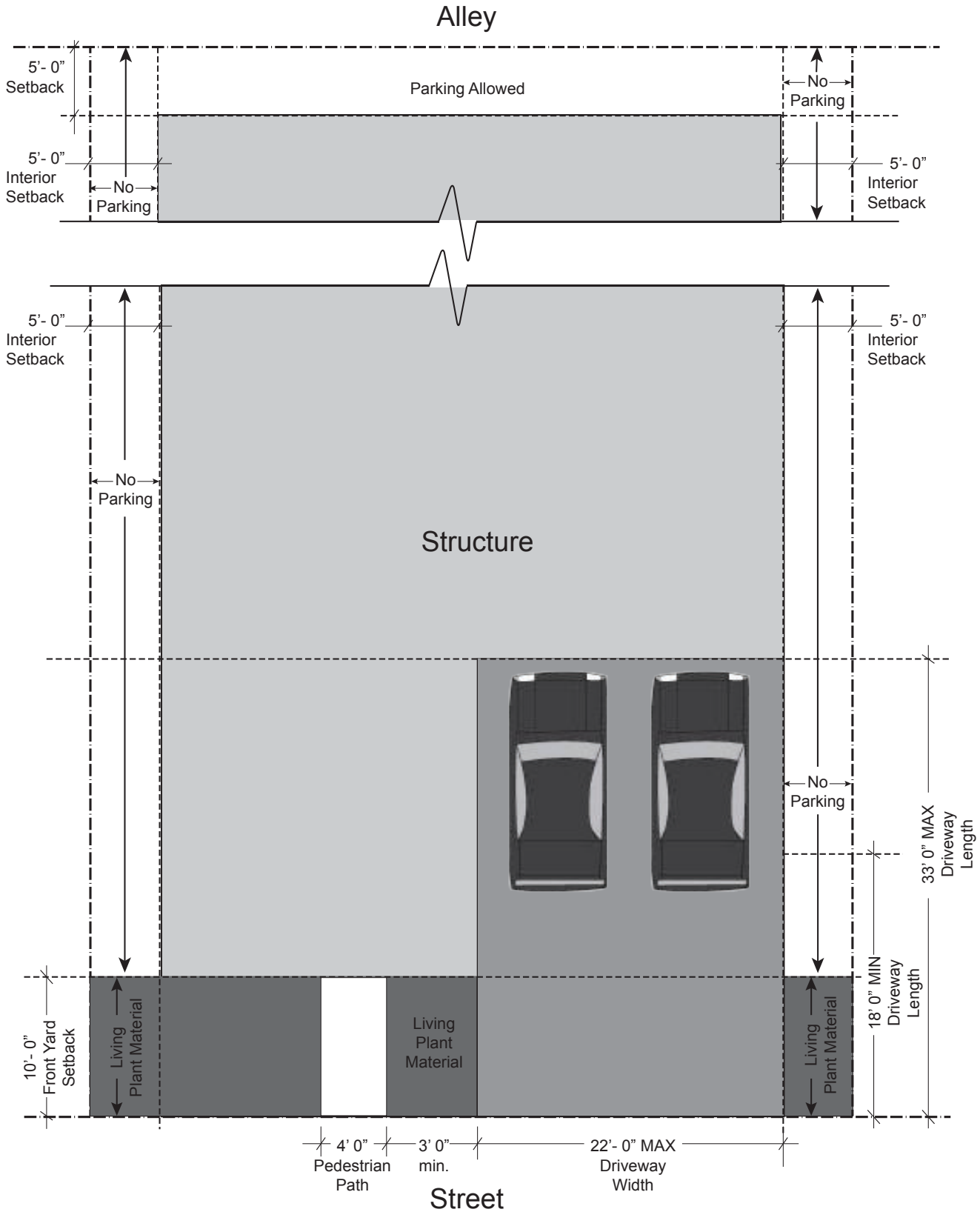
City Recorder

Approved by the Mayor this

___ day of _____, 2013

Mayor

Figure 9.2751(14)(b) Driveways and Parking Areas in R-3 and R-4



Preliminary Findings

Single Family Land Use Code Amendments University Area Protection Measures (City File CA 13-3)

Overview

This package of land use code amendments of the R-1 Low Density Residential zone provides interim protection measures in the Amazon, Fairmount and South University neighborhoods to prohibit certain dwelling types and land divisions, and limit certain uses until more comprehensive planning of these areas can be completed.

As part of Envision Eugene, the city is committed to completing area planning for the university neighborhoods, including consideration of specific design standards for housing to address impacts from being proximate to the University of Oregon. However, this work is not slated to begin until following the local adoption of Envision Eugene, meaning that an adopted University Area Plan is likely two to three years away. Protection measures in the form of code amendments are intended to limit further negative impacts until the area planning process is completed. These measures focus on the R-1 zoned areas in the South University, Fairmount and Amazon neighborhoods, which have experienced a substantial increase in unintended housing associated with the demand for student housing close to campus. These interim measures are intended to be replaced by a more comprehensive set of development and design standards established as part of the area planning effort.

Land Use Code Amendments (CA 13-1)

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

The concepts for these protection measures are a result of numerous conversations and processes held over the past several years, including Envision Eugene, the Neighborhood Livability Working Group, Infill Compatibility Standards project and other code amendment processes, relating to the intense development pressures currently experienced in the single family neighborhoods surrounding the university.

Exhibit B

Prior to the start of the formal adoption process, the code concepts were sent out for broad public feedback to over 120 individuals that are interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association. Other engagement and information opportunities included an open house in June 2013, an open invitation to neighborhood leaders and other interested parties to meet about the amendments, and the establishment of a project web page for the Single Family Code Amendments.

The Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.

OR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration

Exhibit B

of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Exhibit B

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. As the amendments are specific to residential development standards in the R-1 Low Density Residential zone, which implements the low density residential Metro Plan designation, the amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The proposed amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. The proposed changes could potentially decrease the number of residential units that can be accommodated on certain parcels of residentially designated land. However, it is projected that the changes could result in only 22 fewer homes being built. The existing surplus of residential land, based on various actions Eugene and Springfield have taken to decrease the amount of acreage (approximately 1250 to 178 acres, considering a low or high demand assumption), is sufficient to accommodate the possible 22 displaced dwellings.

Based on the above, the amendments do not impact the supply or availability of residential lands included in the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The amendments do not affect the City’s provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. To provide and encourage a safe, convenient and economic transportation system.

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it*

Exhibit B

would:

- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regards to (c), the level of residential and development currently permitted through existing code and zoning regulations will be reduced by up to 22 dwellings as a result of these amendments, and thus will not result in the degradation of any transportation facility. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

Exhibit B

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Existing Housing Supply and Neighborhoods Policies

- A.25 *Conserve the metropolitan area's supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support planned densities in these areas.*

- A.26 *Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.*

Consistent with these policies, the intent of the University area interim protection measures is to conserve the supply of existing affordable housing in the Amazon, Fairmount and South University neighborhoods, as well as increase the stability in these three neighborhoods, which have experienced an increase in unintended housing associated with the demand for student housing and the proximity of the University of Oregon. The type of development experienced recently in these areas, including remodels to increase the number of bedrooms in single-family homes, as well as the construction of single family homes with five or more bedrooms, is geared towards students. As such, these homes are no longer viable options in terms of affordability or functionality for other populations. The proliferation of high-occupancy student housing and loss of a variety of housing types is causing instability. The interim protection measures are intended to limit this type of development and stabilize the neighborhoods until more comprehensive planning can be completed.

Applicable Refinement Plans

The University area protection measures fall within the areas covered by the Fairmount/U of O Special Area Study (1982), the 19th and Agate Special Area Study (1988) and the South Hills Study (1974). No relevant policies were found in the 19th and Agate Special Area Study or the South Hills Study. Findings addressing relevant provisions of applicable refinement plans are provided below.

Exhibit B

Fairmount/U of O Special Area Study (1982)

Although there are no policies in this refinement plan that directly address the amendments or constitute mandatory approval criteria, the below text from the Land Use Diagram Text of the plan is relevant to the University area interim protection measures, as they relate to the Fairmount neighborhood. As these amendments apply within the Low Density Residential area, and are intended to preserve and maintain the existing single family character, they are consistent with, and supported by this text.

Low Density Residential

This area generally encompasses the south and east portions of the special study area. This area is to remain in low-density residential use with emphasis on preserving and maintaining the single-family character which currently exists.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.

**Summary of Planning Commission Recommendation
Single Family Code Amendments
October 21, 2013**

The Planning Commission voted unanimously (7 to 0) to recommend approval of the Single Family Code Amendments, with the following modifications:

Secondary Dwelling Units

- Building Size: Change primary residence to principal residence *[General agreement, no vote taken]*
- Ownership/Occupancy: Use majority ownership instead of percentage when determining ownership *[General agreement, no vote taken]*
- Minimum Wall Length: Modify to require a 2 foot deep by 5 foot wide minimum articulation on walls over 25 feet in length. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists). *[Straw vote 6-0-1 with Steve Baker indicating he was neutral]*

Alley Access Lots

- Distance from Street/Fire Access: Clarify distance requirement for lot and modify to require sprinklers in dwelling if any portion of house is beyond 150 feet of alley/street intersection *[Straw vote 7 to 0]*
- Lot Standards: Establish maximum lot size for new alley access lot size as 5,000 square feet *[General agreement, no vote taken]*
- Development Standards: Allow windows, dormers and balconies on second story of alley lot dwelling on any non-alley facing property line only with the written approval of the affected adjacent property owner, in lieu of requiring an adjustment review. *[Straw vote 7 to 0]*

Accessory Buildings

- Building size/setbacks: For lots 13,500 square feet or less in area, limit the total square footage of all accessory buildings to 1000 square feet. For lots greater than 13,500 square feet to 43,560 square feet, limit the total square footage of all accessory buildings to 10 percent of the lot area, not to exceed 3,000 square feet, and require 10 foot setback and 10:12 roof pitch. For lots greater than 43,600 square feet (one acre) in size, no limit on square footage of accessory buildings, but require 10 foot setback and 10:12 roof pitch. *[Straw vote 7 to 0]*

University Area Interim Protection Measures

- Timing/Sunset: Establish sunset date that interim measures would remain in effect for 42 months after the date of adoption. *[Straw vote 7 to 0]*
- Bedroom Count: Support 3 bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond 3 bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to 3 (instead of 5) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such. *[Straw vote 7 to 0]*
- Occupancy: Add provision to require property owner to provide city with copy of current lease(s) or rental agreement(s) as a means of verifying occupancy (add as city wide provision) *[Straw vote 6 to 0]*
- Secondary Dwelling Units: Add development standards (see Exhibit 1 for draft development standards) to allow for secondary dwellings during the interim, subject to the 42 month sunset date. *[Straw vote 6 to 1 with John Jaworski voting in opposition due to preference for shorter sunset date.]*

Other Deliberation Topics

The Planning Commission discussed additional topics during their deliberations. However, the motions related to these topics did not pass, and as such are not included in their recommendation.

Secondary Dwelling Units

- Limit occupancy to 3 to 4 people and limit to 2 bedrooms *[general agreement to not add occupancy limit and to leave proposed bedroom limit]*
- Increase minimum lot size for detached secondary dwellings from 6,000 square feet to 6,225 square feet *[Straw vote 2 to 5 with Steve Baker and John Jaworski voting in favor. Those in favor indicated consistency with density requirements and concerns about compatibility, while those in opposition noted that new standards will improve compatibility, the interim standards will address pressures around the university, and satisfaction that existing requirement is consistent with density.]*

Alley Access Lots

- Lot Standards: Increase proposed minimum lot size from 2,250 to 3,600 square feet *[Straw vote 3 to 4 with Steve Baker, John Barofsky and John Jaworski voting in favor. Those in favor mentioned concerns about lot coverage, compatibility and density, while those in opposition noted that the proposed development standards, including building size and paving limitations would limit lot coverage, and that advisory committee looked at these issues extensively.]*
- Setbacks: Increase building setbacks from 5 feet to 10 feet from the two property lines perpendicular to alley *[Straw vote 3 to 4 with Steve Baker, John Barofsky and John Jaworski voting in favor. Those in favor indicated concerns about privacy, compatibility and transition, and noted that Portland requires 10 foot setbacks. Those in opposition noted that the proposed 5 foot setback works with the proposed sloped setbacks and other development standards to ensure compatibility, and that changing one standard in isolation may result in unintended consequences, including more two story buildings.]*

University Area Interim Protection Measures

- Sunset date: Set a date certain of July 31, 2017 for interim measures to automatically sunset *[Straw vote 3 to 4 with Steve Baker, Rick Duncan and John Jaworski voting in favor. Those in favor expressed support for certainty and specificity, while those in opposition noted that if the timing of the ordinance adoption changes or if the effective date changes, then the 42 month timeline provides more flexibility.]*