

## Proposed Code Language for University Area Interim Secondary Dwelling Standards

November 12, 2013

*Red italic text* = Proposed Interim Secondary Dwelling Standards

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

### 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.~~**

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
<b>Secondary Dwelling Units (16)</b>					
<b>General Standards</b>	See (16)(a)-(b)	--	--	--	--
<b>Area-Specific</b>	See (16)(c)	--	--	--	--

### (16) **Secondary Dwelling.**

- (a) **General Standards for 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.** To allow for a secondary dwelling, the lot shall contain at least 4,500 square feet except that flag lots shall contain at least 13,500 square feet.
  2. **Building Size.** The secondary dwelling shall not exceed 800 square feet of total building square footage, measured at the exterior perimeter walls. 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.
  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.
  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 principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*
  7. **Temporary Leave.** *Notwithstanding subsection 6. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.*
  8. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
    - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*

- b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
  - c. *The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
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 principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.*
- (b) **General Standards for 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.** *To allow for a secondary dwelling, the lot shall contain at least 6,000 square feet, except that flag lots shall contain at least 13,500 square feet.*
  - 2. **Building Size.** *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. **Pedestrian Access.** *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.*
  - 4. **Primary Entrance.** *The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
  - 5. **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.*
  - 6. **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 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).**
- (c) Area-specific Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood:**
- 1. Lot Area. To allow for secondary dwelling, the lot shall contain at least 7,500 square feet.**
  - 2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.**
  - 3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.**
  - 4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, is 20 percent of the total lot area.**
  - 5. Building Size. For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.**
  - 6. Minimum Attachment. The standards at EC 9.2751(16)(a)3. are applicable.**
  - 7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.**

8. **Maximum Occupancy.** For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
  9. **Building Height/Interior Sloped Setback.** For detached secondary dwellings:
    - a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from vertical) away from the lot line until a point not to exceed a maximum building height of 18 feet.
    - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.
  10. **Dog Keeping.** The standards at EC 9.2751(16)(a)5. are applicable.
  11. **Ownership/Occupancy Requirements.** The standards at EC EC 9.2751(16)(a)6. are applicable.
  12. **Temporary Leave.** The standards at EC 9.275(16)(a)7. are applicable.
  13. **Deed Restriction.** The standards at EC 9.2751(16)(a)8. are applicable. In addition, the applicable occupancy limitation at EC 9.2751(16)(c)8. above must be included in the deed restriction.
  14. **Verification.** The standards at EC 9.2751(16)(a)9. are applicable.
  15. **Parking.** For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
  16. **Alley Access Parking and Driveway.** The standards EC 9.2779(4)(k) are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
  17. **Pedestrian Access.** The standards at EC 9.2751(16)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.
  18. **Primary Entrance.** The standards at EC 9.2751(16)(b)3. are applicable to detached secondary dwellings only.
  19. **Outdoor Storage/Trash.** The standards at EC 9.2751(16)(b)4. are applicable to detached secondary dwellings only.
  20. **Maximum Wall Length.** The standards at EC 9.2751(16)(b)7. are applicable for detached secondary dwellings only.
- (d) **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. **These standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood.***
- (e) 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.*
  - (f) 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.*