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TUESDAY, OCTOBER 12, 2021 – Regular Meeting 5:30 pm to 7:30 pm

Commissioners: Ken Beeson (Chair); Tiffany Edwards; Thomas Fiorelli; Lisa Fragala; Dan Isaacson (Vice Chair); Chris Ramey; Kristen Taylor

A. PUBLIC COMMENT

The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, except for items scheduled for public hearing or public hearing items for which the record has already closed. Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

B. WORK SESSION: MIDDLE HOUSING CODE AMENDMENTS

Staff: Terri Harding, 541-682-5635, THarding@eugene-or.gov

C. ITEMS FROM COMMISSION AND STAFF

1. Other Items from Staff
2. Other Items from Commission
3. Learning: How are we doing?

HOW TO ACCESS THE MEETING

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+1 888-475-4499 (Toll Free);

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International numbers available: <https://eugene-or-gov.zoom.us/j/98939251956>

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AGENDA ITEM SUMMARY

October 12, 2021

To: Eugene Planning Commission

From: Terri Harding, Principal Planner & Project Manager
Jeff Gepper, Senior Planner & Land Use Code Lead
Sophie McGinley, Assistant Planner & Public Engagement Lead

Subject: Middle Housing Code Amendments (Implementation of House Bill 2001)

ACTION REQUESTED

At this work session, the Planning Commission will have the opportunity to continue to learn about the package of draft land use code and plan amendments to implement House Bill 2001. The draft amendments are provided as Attachment A and will be the subject of the Commission's October 26, 2021 public hearing.

BACKGROUND

The Eugene Middle Housing Code Amendments project implements Oregon [House Bill 2001](#) (2019), which requires large cities such as Eugene to allow middle housing including duplexes, triplexes, fourplexes, cottage clusters, and rowhouses, in more places across the City, to increase housing choice and supply. By June 30, 2022, the City must have regulations in place that comply with state law. Otherwise, the state's model code will apply in Eugene.

Based on 10 months of community engagement, technical analysis and work sessions with the Planning Commission, the project team developed a draft set of land use code and plan amendments to implement House Bill 2001. Highlights of the Planning Commission's guidance to staff in preparing the draft amendments include:

- Focus on equity and inclusion as code choices are made.
- Encourage and incentivize middle housing across the community.
- Near transit routes, encourage compact development by reducing parking requirements.
- Pursue incentives and programs beyond the code as part of our ongoing housing work.

Following City Attorney legal review of the code and plan amendment package, staff submitted the attached preliminary staff recommendation of land use code and plan amendments to the Oregon Department of Land Conservation and Development on September 21, 2021.

Project Approach

An important component of the project approach is the focus on equity and inclusion in the public outreach process, which is further detailed below. To support that focus, the

Commission has heard from participants in the Equity RoundTable, Healthy Democracy panel, and developers focus group, as well as a University of Oregon Law School professor at meetings over the winter and spring. In addition, the Commission wrote and presented a letter to the City Council to express support for the project's focus on equity and approach to encouraging and incentivizing middle housing across Eugene through the land use code. The letter is attached to the June 14, 2021 Planning Commission [meeting packet](#).

In addition, the Commission will be meeting with the City Council in a joint work session on October 18, 2021. The materials for the joint check in will be posted on the [City website](#) when they are available. This meeting will cover both the Planning Division work plan in general and the middle housing project in particular, and presents an opportunity to make sure both bodies have the same level of understanding of the process and community engagement opportunities at the start of the formal adoption process.

Public Engagement Summary

The project's [Public Involvement Plan](#) outlines the outreach process from concept development through adoption of land use code and policy amendments. The plan includes opportunities for the community to engage in the planning process and information on how individuals and organizations can effectively participate and is consistent with the City's Public Participation Guidelines and Statewide Planning Goal 1. The Planning Commission approved the plan in August 2020 and has been regularly meeting to advise staff on the project approach.

In the fall of 2020, public outreach focused on providing information about the house bill and forming outreach groups to develop values and principles to guide the technical phase of work.

In early 2021, the project team began to gather community-wide input on how to approach implementation of the house bill. The main opportunity for input centered on levels of implementation: we asked community members whether the City should Allow, Encourage, and/or Incentivize middle housing through the land use code requirements. Throughout the project, the goal of the public engagement has been to be meaningful, accountable, inclusive, transparent, realistic, and outcome oriented. A [comprehensive report](#) on this outreach is available on our website.

In addition to community-wide input, multiple outreach groups were formed to advise the project team, including an Equity Panel, Local Partners RoundTable, Boards and Commissions RoundTable and the Healthy Democracy Review Panel. The [Healthy Democracy](#) process included a thorough information gathering phase, small and large group discussion, deliberation and voting on recommendations related to the middle housing code amendments. It also included reflections on the process and general public engagement recommendations for the City's consideration into the future.

This spring, outreach meetings included additional meetings with the outreach groups to discuss how well the draft code meets the values and principles, and how well it encourages affordability. In addition, two Developer Focus Group meetings were held with market rate and

affordable housing developers to gather feedback on the code recommendations and affordability strategies. Results from these conversations informed the draft code language staff brought to the Commission for review earlier this summer.

Overall, people we heard from through our community engagement efforts were overwhelmingly supportive of going beyond the minimum standards required by the state and implementing a combination of the Encourage and Incentivize middle housing options.

Draft Land Use Code and Metro Plan Amendments

The draft code and plan amendments are extensive, with 129 pages of code language, figures, and maps contained in Attachment A. The Commission has been working through the material in sections, over numerous meetings, discussing each topic, such as general approach, lot size, parking, and building height, in detail.

As a reminder, in December 2020, the Land Conservation and Development Commission (LCDC) adopted administrative rules, including a model code and [minimum standards](#) for compliance with House Bill 2001. These rules took effect on December 31, 2020. Eugene intends to adopt a Eugene-specific code that at a minimum complies with the minimum standards rather than adopt the state's model code. As noted previously, if code amendments that comply with the minimum compliance standards are not adopted by June 30, 2022, the state's model code will apply directly for middle housing development within the City.

The administrative rules implementing the requirements of House Bill 2001 establish, at minimum, code standards cities need to implement to comply with the requirements of House Bill 2001. The rules generally require that middle housing is allowed in as many places as possible, with areas excluded for a limited set of reasons, such as infrastructure constraints or natural hazard areas. While Eugene is required to meet the minimum standards across the community and allow housing types broadly in residentially zoned areas that allow for single family homes, we are also required to "consider ways to increase the affordability of middle housing by considering ordinances and policies." Eugene can also choose to go beyond the requirements of the rules and encourage or incentivize additional middle housing in the community.

Middle Housing Code Topics

The following is a list of topics that include the major substantive components of the middle housing code changes. Staff will walk the Commission and the public through the topic areas during the work session, including what the recommended code change is and where the major code sections land on the Allow/Encourage/Incentivize scale of implementation options. In general, the Allow option follows state minimum standards, the Encourage option removes more barriers to housing development, and the Incentivize option goes even further to remove barriers and lower costs associated with providing middle housing.

1. Middle Housing Lot Standards: Encourage/Incentivize Duplex

Triplex & Fourplex

Rowhouse

Cottage Cluster

2. Middle Housing Design Standards: Allow
3. Middle Housing Land Divisions: Allow
4. Tree Preservation and Removal Standards: Allow
5. Special Area Zones: Encourage
6. Parking Reductions: Encourage/Incentivize

Middle Housing Affordability

With many questions from the public, outreach groups and decision makers about how the proposed code amendments will affect housing affordability, the project team developed the attached Middle Housing Affordability Frequently Asked Questions (FAQ) document (Attachment B). In summary, the draft code incorporates affordability strategies identified by the project consultants and outreach groups that *encourage and incentivize* affordability by removing barriers to development and lowering the cost of development, such as by not requiring off-street parking. The City does not have the ability to *require* affordable units in new middle housing developments, but can allow for smaller lot sizes, more units, increased lot coverage and height, as well as programs beyond the code that will be carried forward through the Housing Implementation Pipeline (HIP).

Building Massing Scenarios

To help the Planning Commission and public visualize what could be built under the proposed code, the graphic in Attachment C was prepared. The graphic shows how triplexes and fourplexes could take shape on the ground, using maximum building envelope allowed. A typical and largest allowed single detached home are shown for comparison, as well as the difference between providing on-site parking and not providing on-site parking for new middle housing.

Outreach and Notice for the Formal Adoption Process

Notice for the upcoming public hearing was provided consistent with the notice requirements for Type V land use applications (legislative) under EC 9.7520. This includes notice sent to Eugene neighborhood organizations, the Oregon Department of Land Conservation and Development, Lane County, the City of Springfield, and other community groups and individuals who have requested notice. Notice is also being published in the Register Guard.

In addition to the required public notices, staff is preparing outreach materials to summarize and describe the middle housing changes, to help make the draft land use code and plan amendments as clear and understandable as possible to the public. A focus of the informational materials is explaining what pieces are required by the state law and [minimum standards](#), and what pieces go further than the state requirements to encourage and incentivize middle housing options.

We are providing multiple ways to access this information, including posting it on our website and in our newsletters, posting on social media, and hosting information sessions over zoom on October 19 and 21 (Attachment D). The project's [Engage Eugene](#) and web [page](#) are frequently updated with opportunities to engage community members and provide information about middle housing in Eugene.

NEXT STEPS

The adoption process for land use code and plan amendments follows a legislative process, including Planning Commission public hearing and recommendation and a City Council public hearing and action. The Planning Commission public hearing is planned for October 26, 2021, with deliberations scheduled for multiple dates in November. Following Planning Commission's recommendation, City Council will hold a separate public hearing, anticipated for January 2022. The City must have regulations in place by June 30, 2022 that comply with state law, or the state's model code will apply directly.

ATTACHMENTS

- A. Middle Housing Code and Plan Amendments Public Hearing Notice Package (September 21, 2021)
- B. Middle Housing Affordability FAQ
- C. Building Massing Scenario Graphic
- D. Middle Housing Info Session Announcement

FOR MORE INFORMATION

Staff Contact: Terri Harding

Telephone: (541) 682-5635

Staff E-Mail: THarding@eugene-or.gov



DLCD NOTICE OF PUBLIC HEARING

Tuesday, October 26, 2021, 5:30 p.m.
Virtual Meeting

The Eugene Planning Commission will hold a virtual public hearing on October 26, 2021 to consider:

File Name (#): Middle Housing Code Amendments (CA 21-1 / MA 21-1)
Subject: Planning Commission to hear the proposal and make a recommendation to the City Council for a series of land use applications associated with the Middle Housing Code Amendments, which include a Land Use Code Amendment and Metro Plan Amendment.

On September 21, 2021, the City of Eugene submitted the following documents as part of its required notice to the Oregon Department of Land Conservation and Development for a set of land use applications as part of the Middle Housing Code Amendments Project:

1. **Notice of Public Hearing**
2. **Middle Housing Code Amendment (City File CA 21-6):** Draft Code. Incorporates the following changes:
 - a. Changes to Eugene's Land Use Code in accordance with House Bill 2001 (2019). Includes changes for Middle Housing.
 - b. Changes to Eugene's Land Use Code in accordance with Senate Bill 458 (2021). Includes changes for Middle Housing Land Division.
 - c. Changes to Eugene Land Use Code to the definition and use of the term "Family".
3. **Metro Plan Amendment (City File: MA 21-1):** Includes a text amendment to the Eugene-Springfield Metropolitan General Area Plan (Metro Plan).

Please contact Jeff Gepper, Senior Planner, for any additional information or visit: <https://www.eugene-or.gov/764/Land-Use-Code-Amendments>

Jeff Gepper, Senior Planner
Planning Division, City of Eugene
JGepper@eugene-or.gov | 541.682.5282
99 W 10th Avenue, Eugene, OR 97401

NOTICE OF PUBLIC HEARING

Tuesday, October 26, 2021, 5:30 p.m.

Virtual Meeting (See attendance information on last page)

The Eugene Planning Commission will hold a virtual public hearing to consider:

File Name (#): Middle Housing Code Amendments (CA 21-1 / MA 21-1)

Request: Planning Commission to hear the proposal and make a recommendation to the City Council for a series of land use applications associated with the Middle Housing Code Amendments, which include a Land Use Code Amendment and Metro Plan Amendment.

Middle Housing Code Amendment Project

The Eugene Middle Housing Code Amendments project is intended to implement Oregon House Bill 2001 (2019), codified as ORS 197.758, which requires Oregon's large cities, including Eugene, to allow duplexes, triplexes, quadplexes, townhouses and cottage clusters (collectively referred to as middle housing) in more places across the City, in order to increase housing choice and supply. This project includes a proposed Land Use Code Amendment, and a proposed Metro Plan Amendment, which are further discussed below.

- **Land Use Code Amendment (CA 21-1):** Changes to the City's land use code are being proposed to: comply with state law; create more opportunities for middle housing in Eugene's residential zones; and create development standards for middle housing. The land use code amendments also incorporate new rules and procedures for Middle Housing Land Divisions as required by Senate Bill 458, 2021. This new form of land division will allow the creation of small lots that each contain an individual unit of middle housing and are intended to promote home ownership opportunities. Lastly, these code amendments include changes to the definition and use of the term "family" that are required by state law.
- **Metro Plan Amendment (MA 21-1):** A text amendment to the density ranges in residential element of the Eugene-Springfield Metropolitan General Plan is being proposed to comply with the requirements of HB 2001. No changes to the land use designations shown on the Metro Plan's land use diagram are proposed as part of these amendments.

Eugene has until June 30, 2022 to update its land use code to comply with state law. If the City misses that deadline, beginning July 1, 2022, a model code created by the Department of Land Conservation and Development will apply to all middle housing development in the city. More information regarding the Middle Housing Code Amendment project can be found here: <https://www.eugene-or.gov/4244/Middle-Housing>

Procedures & Approval Criteria

Following this initial public hearing, the Planning Commission will deliberate and make a recommendation to the City Council. The City Council will hold a second public hearing, then deliberate and make the final decision on the requested action. The Metro Plan Amendment, and Land Use Code Amendment are being processed concurrently. The Land Use Code Amendment will be processed using the Type V land use application procedures in EC 9.7500-9.7560. The Metro Plan Amendment will be processed according to the Type I Metro Plan amendment procedures in EC 9.7700-9.7735. The City Council will be the final local decision-maker on both applications. Separate notice of the City Council public hearing will be provided. In making a recommendation on the request to City Council, the Planning Commission will address the relevant approval criteria from the Eugene Code (EC), at EC 9.7735 and 9.8065. Testimony and evidence submitted should be directed toward the applicable approval criteria from the Eugene Code noted above, or other criteria in the City's adopted plans or land use regulations that the person testifying believes to apply to the decision.

How to Submit Testimony to the Planning Commission

- Send a written statement to the Planning Commission, c/o Jeff Gepper, Planning Division, 99 W. 10th Avenue, Eugene, Oregon 97401 or by e-mail mhtestimony@eugene-or.gov. To be included in the Planning Commission's packet for the October 26th public hearing, your statement must be received by staff no later than 5pm on October 18, 2021.
- Submit a written statement to the address or email above after October 18, 2021, but before the Planning Commission closes the public hearing. The Planning Commission will have less of an opportunity to read the written material prior to taking action on the request and forwarding their recommendation to the City Council.
- Attend the public hearing on October 26, 2021 and provide spoken testimony. Your spoken testimony will be recorded. Instructions for providing testimony during the virtual public hearing will be provided during the hearing. The Planning Commission may limit the time for each speaker to a few minutes. You are encouraged to submit written testimony prior to the close of the public hearing if you have detailed comments you wish to make.

All public testimony received by the Planning Commission will be forwarded to the City Council. As noted above, the City Council will hold a subsequent public hearing following the Planning Commission's recommendation before any final action is taken on the request.

Additional Information and Staff Report

The application materials, including all documents and evidence, and the applicable criteria are available for free inspection at the Eugene Planning and Development Department, 99 West 10th Avenue, Eugene, Oregon 97401 between 9:00 a.m. and 5:00 p.m. Monday-Friday. ***IMPORTANT NOTE:** To take preventative measures for community members and staff safety against the spread of COVID-19, please contact the listed staff representative about alternatives for reviewing materials. As a courtesy, the documents related to these applications will be made available online at the following:

<https://pdd.eugene-or.gov/LandUse/ApplicationSearch>

The agenda, meeting materials, and staff report for the Planning Commission's October 26th public hearing will be available for viewing by **5:30 p.m. on Tuesday, October 19, 2020**, on the Planning Commission's webpage at: www.eugene-or.gov/pc. Copies of all documents may also be obtained at cost.

You may also wish to discuss this proposal with your neighborhood organization. To obtain contact information for your neighborhood group, call the City's Neighborhood Involvement Office at 541-682-5177 or www.eugene-or.gov/neighborhoods

For more information, contact Jeff Gepper, Planning Division, at 541-682-5282 or by e-mail at JGepper@eugene-or.gov.

VIRTUAL PLANNING COMMISSION PUBLIC HEARING

Description: Middle Housing Code Amendments (CA 21-1/ MA 21-1)
October 26, 2021 at 5:30 pm

Watch the Public Hearing live: This option is for viewing only, and does not allow participation
Please visit this URL to watch: <https://www.eugene-or.gov/2109/Planning-Commission-Webcasts>

To participate in the Public Hearing join using one of the two following options:

- **Join from a computer, tablet, or smart phone:**
Please click this URL to join: <https://eugene-or-gov.zoom.us/j/98939251956>
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+1 877-853-5257 (Toll Free); or +1 888-475-4499 (Toll Free);
For higher quality, dial a number based on your current location.
International numbers available: <https://eugene-or-gov.zoom.us/j/98939251956>
Sign up to speak by dialing *9 (Star-9)

Please contact the staff referenced above with questions about attending the virtual hearing.

MIDDLE HOUSING CODE AMENDMENTS

Table of Contents

Definitions.....	6
9.0500 Definitions.....	6
Commercial Zones.....	9
9.2160 Commercial Zone – Land Use and Permit Requirements.....	9
9.2161 Special Use Limitations for Table 9.2160.....	10
Residential Zones.....	12
9.2700 Purpose of R-1 Low-Density Residential Zone.....	12
9.2720 Purpose of R-3 Limited High-Density Residential Zone.....	12
9.2740 Residential Zone Land Use and Permit Requirements.....	13
9.2741 Special Use Limitations for Table 9.2740.....	20
9.2750 Residential Zone Development Standards.....	22
9.2751 Special Development Standards for Table 9.2750.....	25
9.2760 Residential Zone Lot Standards.....	30
9.2761 Special Standards for Table 9.2760.....	33
9.2770 Small Lot Standards For R-2, R-3 and R-4 Zones.....	34
9.2775 Residential Flag Lot Standards for R-1, R-2, R-3 and R-4.....	34
9.2777 Middle Housing Lot Standards.....	35
S-C Chambers Special Area Zone.....	36
9.3050 Purpose of S-C Chambers Special Area Zone.....	36
9.3060 S-C Chambers Special Area Zone – Land Use and Permit Requirements and Special Use Limitations.....	36
9.3065 S-C Chambers Special Area Zone – Development Standards.....	37
S-CN Chase Node Special Area Zone.....	38
9.3100 Purpose of S-CN Chase Node Special Area Zone.....	38
9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements.....	38
9.3116 Special Use Limitation for Table 9.3115.....	39
9.3125 S-CN Chase Node Special Area Zone Development Standards.....	40
S-DW Downtown Westside Special Area Zone.....	41
9.3200 Purpose of S-DW Downtown Westside Special Area Zone.....	41
9.3210 S-DW Downtown Westside Special Area Zone – Land Use and Permit Requirements.....	41

9.3215	S-DW Downtown Westside Special Area Zone Development Standards.	43
9.3220	S-DW Downtown Westside Special Area Zone Lot Standards.	43
9.3221	Special Standards for Table 9.3220.	44
S-E Elmira Road Special Area Zone		45
9.3300	Purpose of S-E Elmira Road Special Area Zone.	45
9.3310	S-E Elmira Road Special Area Zone – Land Use and Permit Requirements.....	46
9.3315	S-E Elmira Road Special Area Zone Development and Lot Standards.....	47
S-HB Blair Boulevard Historic Commercial Special Area Zone.....		48
9.3500	Purpose of S-HB Blair Boulevard Historic Commercial Special Area Zone.....	48
9.3505	Description of S-HB Blair Boulevard Historic Commercial Special Area Zone.	48
9.3510	S-HB Blair Boulevard Historic Commercial Special Area Zone Uses.	48
S-JW Jefferson Westside Special Area Zone		49
9.3600	Purpose of S-JW Jefferson Westside Special Area Zone.	49
9.3615	S-JW Jefferson Westside Special Area Zone Land Use and Permit Requirements and Special Use Limitations.	49
9.3625	S-JW Jefferson Westside Special Area Zone Development Standards.	50
9.3630	S-JW Jefferson Westside Special Area Zone Lot Standards.	51
S-RN Royal Node Special Area Zone.....		51
9.3800	Purpose of S-RN Royal Node Special Area Zone.	51
9.3810	S-RN Royal Node Special Area Zone Land Use and Permit Requirements.	52
9.3811	Special Use Limitations for Table 9.3810.	54
9.3815	S-RN Royal Node Special Area Zone Development Standards – General.	56
9.3822	S-RN Royal Node Special Area Zone Lot Standards.	57
S-W Whiteaker Special Area Zone		58
9.3900	Purpose of S-W Whiteaker Special Area Zone.	58
9.3910	S-W Whiteaker Special Area Zone – Land Use and Permit Requirements.	58
9.3915	S-W Whiteaker Special Area Zone Development and Lot Standards.	59
9.5550	Middle Housing Development Standards.	61
Special Development Standards for Certain Uses - Figures.....		73
Bicycle Parking Standards		88
9.6105	Bicycle Parking Standards.	88
Motor Vehicle Parking and Loading Standards.....		89
9.6410	Motor Vehicle Parking Standards.	89

9.6420	Parking Area Standards.....	93
Site Development Standards		93
9.6703	Driveways and Internal Circulation.....	93
9.6730	Pedestrian Circulation On-Site.....	94
9.6740	Recycling and Garbage Screening.....	94
9.6745	Setbacks – Intrusions Permitted.....	94
9.6775	Underground Utilities.....	95
Tree Preservation and Removal Standards.....		95
9.6885	Tree Preservation and Removal Standards.....	96
Application Procedures - General		96
9.7000	Introduction.....	96
9.7015	Application Completeness Review.....	96
9.7020	Extension of Time Limit Restrictions.....	97
9.7025	Performance Agreements.....	98
9.7030	Recordation of Certain City Decisions.....	98
9.7055	Applications and Review Authorities.....	99
9.7230	Expiration.....	103
Appeal of Planning Director’s Decision.....		104
9.7600	General Overview of Appeal Procedures.....	104
9.7640	Filing of Appeal of Planning Director’s Decision on Expedited Land Division or Middle Housing Land Division Application.....	105
9.7645	Notice of Appeal Procedure.....	106
9.7655	Appeal Procedure.....	107
9.7660	Decision.....	107
9.7665	Notice of Decision.....	108
Expedited Land Division/Middle Housing Land Division Application Procedures		109
9.7900	General Overview of Expedited Land Division/Middle Housing Land Division Application Procedures.....	109
9.7905	Expedited Land Division/Middle Housing Land Division Application Completeness.....	109
9.7910	Notice of Application.....	110
9.7915	Decision.....	111
9.7920	Notice of Decision.....	111
9.7925	Approved Site Plans.....	112
Application Requirements and Criteria.....		113

9.8005	Applicability and Effect of Application Requirements, Criteria, and Concurrent Review. ...	113
Adjustment Review		113
9.8015	Adjustment Review – Purpose.	113
9.8030	Adjustment Review – Approval Criteria.....	113
Conditional Use Permits.....		116
9.8085	Conditional Use Permit Application Requirements.	116
Middle Housing Land Division, Tentative Plan.....		117
9.8191	Purpose of Middle Housing Land Division, Tentative Plan.	117
9.8192	Applicability of Middle Housing Land Division, Tentative Plan Applications.	117
9.8193	Middle Housing Land Division, Tentative Plan Application Requirements.....	117
9.8194	Middle Housing Land Division, Tentative Plan Approval Criteria.	118
Middle Housing Land Division, Final Plat		120
9.8195	Purpose of Middle Housing Land Division, Final Plat.....	120
9.8196	Applicability of Middle Housing Land Division, Final Plat Applications.	120
9.8197	Middle Housing Land Division, Final Plat – Application Requirements.	120
9.8198	Middle Housing Land Division, Final Plat – Approval Criteria.....	121
9.8199	Middle Housing Land Division, Final Plat – Recordation.....	122
Partitions, Tentative Plan.....		122
9.8205	Applicability of Partition, Tentative Plan Applications.....	122
9.8210	Partition, Tentative Plan Application Requirements.	122
9.8215	Partition, Tentative Plan Approval Criteria – General.	123
9.8220	Partition, Tentative Plan Approval Criteria – Needed Housing.	123
9.8423	General Requirements.	124
Subdivision, Tentative Plan		124
9.8505	Applicability of Subdivision, Tentative Plan Applications.	125
9.8510	Subdivision, Tentative Plan Application Requirements.	125
9.8515	Subdivision, Tentative Plan Approval Criteria – General.	125
9.8520	Subdivision, Tentative Plan Approval Criteria – Needed Housing.	126
Vacations.....		127
9.8705	Applicability of Vacation Procedures.	127
9.8710	Vacations, Application Requirements.....	127
9.8810	General Requirements.	127
Zone Change		128

9.8865	Zone Change Approval Criteria	128
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Table of Contents Note: This is intended as a tool to navigate this large document and is not a comprehensive list of all sections impacted by the proposed land use code amendment. For example, sections that are proposed for removal do not appear in the table of context above. Please refer to those sections specifically within the code below.

Amendments Guide: The following amendments are included in the document below.

Existing Text = Text that exists and will remain unchanged.

Underlined Text = Text proposed for addition to the land use code.

~~Strikethrough Text~~ = Text proposed for removal from the land use code.

Moved Text, Placed = Text that existed within the land use code and is proposed to remain, but in a different location in the land use code.

~~Moved Text, Removed~~ = Text that has been removed from its existing location and moved to a different area in the land use code.

Definitions

Family:

The definition of “family” will be deleted from EC 9.0500, as shown below. Therefore, throughout Chapter 9, except where the context requires otherwise:

- Variations of the terms “one family” and “single family” will be replaced with “single detached,”
- Variations of the term “two family” will be replaced with “duplex,”
- Variations of the term “three family” will be replaced with “triplex,”
- Variations of the term “four family” will be replaced with “fourplex,” and
- Variations of the term “multiple family” will be replaced with “multiple unit.”

EC 9.2737, Residential Occupancy Requirements, will be deleted.

9.0500 Definitions.

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

Cluster Subdivision. A subdivision with 64 or more lots with dwellings grouped in a manner that achieves protection of natural environmental features or creates common open space that is suitable for use by residents through the relaxation of the lot and development standards. The subdivision shall include reductions in the minimum lot area requirements.

Common Courtyard. A common area for use by residents of a cottage cluster or other type of residential development. Hard and soft features may be included in a common courtyard, such as, but not limited to, landscaping, lawn, pedestrian paths, paved areas, and recreational amenities.

Community Building. A building intended for the shared use of residents in a development that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, or picnic shelters.

Controlled Income and Rent Housing. A housing project, or that portion of a larger project, consisting of any dwelling type or types exclusively for low-income ~~individuals and/or families~~persons, sponsored by a public agency, a non-profit housing sponsor, a developer, a

combination of the foregoing, or other alternatives as provided for in the Oregon Revised Statutes or Federal Statutes to undertake, construct, or operate housing for households-persons that are low-income. For the purposes of this definition, low-income means having income at or below 80 percent of the area median income. (See Map 9.2740 Areas Unavailable for Controlled Income and Rent (CIR) Housing with Increased Density.)

Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster that is part of a cottage cluster project must have its own common courtyard.

Dwelling. A building, or portion thereof, designed and used as a residence for occupancy by 4-family person or persons. This includes both buildings constructed on-site and manufactured homes.

Dwelling, Cottage Cluster. A grouping of no fewer than four detached dwellings per acre with a footprint of less than 900 square feet each that includes a common courtyard. Cottage clusters are not fourplexes or multiple-unit dwellings.

Dwelling, Duplex. A building designed and used as dwellings for 2 families living independently of each other and having separate housekeeping facilities for each family that are connected either by common walls or common ceiling/floor connection. A building is not a duplex if one of the dwellings is an accessory dwelling. Two dwellings on a single lot or parcel in any configuration. If one of the dwellings on the lot or parcel is an accessory dwelling, the two dwellings on that lot or parcel are not considered a duplex.

Dwelling, Fourplex-Plex. A building designed and used as dwellings for 4 families living independently of each other and having separate housekeeping facilities for each family. Four dwellings on a single lot or parcel in any configuration.

Dwelling, Middle Housing. The following dwelling types: duplexes, triplexes, fourplexes, townhouses, and cottage clusters.

Dwelling, Multiple-Family Unit. One or more buildings on a single lot or parcel containing 5 or more dwellings. that are designed and used for 3 or more families, all living independently of each other, and having separate housekeeping facilities for each family. The dwellings may share common walls, common roofs, or common foundations or may be detached. Multiple-family-unit dwellings include condominium and apartment units without regard to ownership status. Cottage clusters are not multiple-unit dwellings.

Dwelling, One-Family Single-Detached. A dwelling that may have a common wall, roof or foundation with another one-family dwelling on a separate lot or may share a common wall, roof, or foundation with an accessory dwelling on the same lot. One detached dwelling on a single lot

or parcel. A single detached dwelling that is one dwelling in a duplex, triplex, quadplex, or cottage cluster is not a single-detached dwelling.

Dwelling, ~~Row House~~ Townhouse. A dwelling that is part of a townhouse project of two or more attached dwellings where each dwelling is located on an individual lot or parcel and shares 1 or more walls with 1 or more dwellings and which is located on a row house lot at least one common wall with an adjacent dwelling.

Dwelling, Tri-~~P~~plex. ~~A building designed and used as dwellings for 3 families living independently of each other and having separate housekeeping facilities for each family. Three dwellings on a lot or parcel in any configuration.~~

Expedited Land Division. A partition or subdivision of a lot or parcel that is processed pursuant to EC 9.7900 through EC 9.7930 and governed by the application requirements and approval criteria in EC 9.8200 through EC 9.8245 or EC 9.8500 through 9.8580.

Frequent Transit Route. A public transit route shown on Figure 9.0500 Frequent Transit Routes.

Manufactured Home/Dwelling Park. Any place where 4 or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than 1 manufactured dwelling per lot if the subdivision was approved by the city. "Manufactured dwelling park" also does not include a development permitted as a quadplex or a cottage cluster.

Middle Housing Lot. A lot or parcel created through a middle housing land division.

Middle Housing Land Division. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed by this land use code. A middle housing land division is processed pursuant to EC 9.7900 through EC 9.7930 and governed by the application requirements and approval criteria in EC 9.8191 through EC 9.8199.

Subsidized Low-Income Disabled Housing. Subsidized low-income housing exclusively for low-income ~~individuals~~ persons with physical or mental disabilities ~~and/or low-income families with physical or mental disabilities~~. For the purposes of this definition, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Subsidized Low-Income Housing. A controlled income and rent housing project of any dwelling type(s) exclusively for low-income ~~individuals and/or families~~ persons where all ~~units~~ dwellings

are subsidized. For the purposes of this definition, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Subsidized Low-Income Specialized Housing. A controlled income and rent housing project of any dwelling type(s) exclusively for extra low-income ~~individuals and/or families~~ persons where all ~~units-dwellings~~ are subsidized. For the purposes of this definition, extra low-income means having income at or below 50 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

Townhouse Project. Two or more townhouses constructed, or proposed to be constructed, together with the land that has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

* * *

Commercial Zones

* * *

9.2160 Commercial Zone – Land Use and Permit Requirements.

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

(P) Permitted.

(SR) Permitted, subject to an approved site review plan or an approved final planned unit development.

(C) Subject to a conditional use permit or an approved final planned unit development.

(S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.

(#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

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

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
* * *				
Residential				
Dwellings				
One-Family <u>Single Detached</u> Dwelling	P(6)	P(6)	P(7)	
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) <u>Townhouse (See EC 9.5550)</u>	S(6)	S		<u>SP</u>
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)	P
Tri-plex (Three-Family Attached on Same Lot) (See EC <u>9.55500</u>)	S(6)	S	S	S
Four-plex (Four-Family Attached on Same Lot) (See EC <u>9.55500</u>)	S(6)	S	S	S
Multiple Family Unit (3 or More Dwellings on Same Lot) (See EC <u>9.5500</u>)	S(6)	S	S	S
* * *				

* * *

9.2161 Special Use Limitations for Table 9.2160.

* * *

(6) Residential Use Limitation in C-1 and C-2.

- (a) ~~All residential dwellings in the C-1 zone and one and two-family dwellings in the C-2 zone are allowed if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-~~

Use Residential Developments. In the C-1 zone, all residential dwelling types are allowed in a structure if the ground floor of the structure is used for commercial or non-residential purposes consistent with Table 9.2161. In the C-2 zone, up to two dwellings are allowed in a structure if the ground floor of the structure is used for commercial or non-residential purposes consistent with Table 9.2161. In the C-2 zone, triplexes, quadplexes, and multi-unit dwellings are permitted in accordance with Table 9.2161. Residential dwellings in the C-1 zone and C-2 zone are subject to the development standards of the applicable zone. The special development standards at EC 9.5550 do not apply to dwellings in a building with non-residential use on the ground floor.

(b) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, the maximum number of dwellings per lot is specified at EC 9.3625(8) and 9.3626(1), except that middle housing is exempt from the dwelling maximums specified in those sections.

Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments		
	C-1	C-2
Commercial Uses Requirements in Mixed-Use Residential Developments		
Minimum Percent of Building Street Frontage in Commercial Use. Building street frontage shall be measured along the length of the building at the ground level within the maximum front yard setback. As used herein, "commercial" includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages.	80%	60%
Minimum Percent of Ground Floor Area in Commercial Use.	80%	20%

(7) *Residential Use Limitation in C-3.* Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, a structure may include one—and two family dwellings if 80 percent of the ground floor of the structure is used for commercial or non-residential purposes. two dwellings or less are only allowed in a structure if 80% of the ground floor of the structure is

used for commercial or non-residential purposes according to Table 9.2161. In the C-3 zone, other residential uses, such as triplexes, quadplexes, and multi-unit dwellings are permitted in accordance with Table 9.2161. Residential dwellings in the C-3 zone will be subject to the development standards of the applicable zone. The special development standards at EC 9.5550 do not apply to dwellings in a building with non-residential use on the ground floor.

* * *

Residential Zones

9.2700 Purpose of R-1 Low-Density Residential Zone.

The purpose of the R-1 Low-Density Residential zone is to implement the comprehensive plan by providing areas for low-density residential use. The R-1 zone is designed for one-family single detached dwellings with some allowance for other types of dwellings and middle housing, and is also intended to provide a limited range of non-residential uses that can enhance the quality of low-density residential areas.

(Section 9.2700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No.20584, enacted July 17, 2017, effective August 24, 2017.)

* * *

~~9.2705 Purpose of R-1.5 Rowhouse Zone.~~

~~The purpose of the R-1.5 Rowhouse zone is to implement the comprehensive plan by providing areas for attached rowhouse dwellings.~~

~~(Section 9.2705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No.20584, enacted July 17, 2017, effective August 24, 2017.)~~

* * *

9.2720 Purpose of R-3 Limited High-Density Residential Zone.

The purpose of the R-3 Limited High-Density Residential zone is to implement the comprehensive plan by providing areas for limited high-density residential use that encourage attached one-family dwelling units middle housing and multiple family-unit dwellings s-units. The

R-3 zone is also intended to provide a limited range of non-residential uses to help provide services for residents and enhance the quality of the limited high-density residential area.

(Section 9.2720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No.20584, enacted July 17, 2017, effective August 24, 2017.)

* * *

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.~~

* * *

9.2735 Residential Occupancy Requirements.

~~Occupancy of a dwelling is limited by the definition of family at EC 9.0500. The city manager may require a property owner to provide copies of lease or rental agreements documenting compliance with occupancy limits.~~

9.2740 Residential Zone Land Use and Permit Requirements.

* * *

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. Examples 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	P	P	P	P	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.					
Agricultural, Resource Production and Extraction					
Community and Allotment Garden	P	P	P	P	P
Display and Sale of Agricultural Products Grown on the Site	P				
Urban Animal Keeping, including pastureland (See EC 9.5250)	S		S	S	S
Horticultural Use. Examples include field crops, orchards, berries, and nursery or flower stock.	P				
Education, Cultural, Religious, Social and Fraternal					
Church, Synagogue, and Temple, including associated residential structures for religious personnel. (All religious uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)	C		C	C	C
Club and Lodge of State or National Organization (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)					C

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Community and Neighborhood Center	C		C	C	P
School, Elementary through High School	C		C	SR	SR
University or College	C		C	SR	SR
Entertainment and Recreation					
Athletic Facility and Sports Club	C		C	C	C
Athletic Field, Outdoor	C		C	C	C
Equestrian Academy and Stable (See also Table 9.1240)	PUD				
Equestrian Trail (See also Table 9.1240)	PUD				
Golf Course, with or without country club (See also Table 9.1240)	PUD				
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Kiosk, Gazebo, Pergola, Arbor Trail, paved and non paved Arboretum, outdoors Athletic Areas, outdoors, unlighted Natural Area or Environmental Restoration Ornamental Fountain, Art Work Park Furnishings, Examples include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage Restroom Wetland Mitigation Area	S(96)		S(96)	S(96)	S(96)
Theater, Live Entertainment (See also Table 9.1240)	C				
Government					
Government Services, not specifically listed in this or any other uses and permit	P		P	P	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
requirements table. An example could include: a fire station.					
Lodging					
Bed and Breakfast Facility (See EC <u>9.5100</u>)	C		C	S	S
Manufacturing					
Recycling, small collection facility (See EC <u>9.5650</u>)	S		S	S	S
Medical, Health and Correctional Services					
Clinic, or other Medical Health Facility (including mental health).				C(1)	C(1)
Correctional Facility, excluding Residential Treatment Center			C	C	C
Hospital, Clinic, or other Medical Health Facility (including mental health). (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)				C (1)	C (1)
Nursing Home (See also Table 9.1240)				C	C
Residential Treatment Center	C		C	C	C
Motor Vehicle Related Uses					
Transit, Neighborhood Improvement	P	P	P	P	P
Transit Park and Ride, Major or Minor, Only when Shared Parking Arrangement with Other Permitted Use	P			P	P
Transit Park and Ride, Major or Minor					C
Transit Station, Major				C	C

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Transit Station, Minor			SR	P	P
Residential					
Dwellings. (All dwellings, including secondary, 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 <u>Single Detached</u> Dwelling (1-Per Lot in R-1) , except as provided at EC 9.2741(107) for Churches, Synagogues and Temples)	P(<u>2</u>)		P(<u>2</u>)	P(<u>2</u>)	P(<u>2</u>)
Secondary Dwelling (Either Attached or Detached from Primary One-Family-Single Detached Dwelling on Same Lot)	P(<u>23</u>)		P(<u>23</u>)	P(<u>23</u>)	P(<u>23</u>)
Rowhouse-Townhouse(One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) (See EC 9.5550)	PS(34)	P(<u>3</u>)	PS(4)	PS(4)	PS(4)
Duplex (Two-Family Attached on Same Lot)	P(<u>2</u>)(4)		P(<u>2</u>)(4)	P(<u>2</u>)(4)	P(<u>2</u>)(4)
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.55050)	S(<u>54</u>)		S(<u>4</u>)	S(<u>4</u>)	S(<u>4</u>)
Four-plex (Four-Family Attached on Same Lot) (See EC 9.55050)	S(<u>64</u>)		S(<u>4</u>)	S(<u>4</u>)	S(<u>4</u>)
<u>Cottage Cluster (See EC 9.5550)</u>	<u>S(4)</u>		<u>S(4)</u>	<u>S(4)</u>	<u>S(4)</u>
<u>Multiple-Family Unit Dwelling (3 or More Dwellings on Same Lot) (See EC 9.5500)</u>	PUD		S	S	S

Table 9.2740 Residential Zone Land Uses and Permit Requirements

	R-1	R-1.5	R-2	R-3	R-4
Manufactured Home Park. Shall comply with EC <u>9.5400</u> 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-unit standards in EC <u>9.5500</u> or be approved as a PUD.)	S or PUD see Map 9.2740		S or PUD see Map 9.2740	S or PUD see Map 9.2740	
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)					
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)(All Assisted Care uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code.)	P		P	P	P
Assisted Care (6 or more people living in facility) (All Assisted Care uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)	C		C	C	C
Day Care (4 to 16 people served) (See EC <u>9.5200</u>)	S		S	S	S
Day Care (17 or more people served)	C		C	C	C
Rooms for Rent Situations					
Boarding and Rooming House				C	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Campus Living Organization, including Fraternities and Sororities				C	P
Single Room Occupancy (SRO) (All SRO uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)			C	P	P
University and College Dormitory				P	P
Utilities and Communication					
Amateur Radio Antenna Structure (See EC 9.5050)	S		S	S	S
Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P		P	P	P
Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P		P	P	P
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a	P		P	P	P

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Type II procedure that shows low visual impact.					
Telecommunication Tower or Facility (See EC 9.5750)	S		S	S	S
Water Reservoir, elevated above ground level	SR		SR	SR	SR
Other Commercial Services					
C-1 Neighborhood Commercial Zone Permitted Uses – Uses listed as P (Permitted) or SR (subject to site review) in C-1 and which are not listed elsewhere in this Table 9.2740	PUD (75)		PUD (75) or C(86)	PUD (75) or C(86)	PUD (75) or C(86)
Cemetery, includes crematoria, columbaria, and mausoleums	C				
Home Occupation (See EC 9.5350)	S	S	S	S	S
Model Home Sales Office (See EC 9.5450)	S		S	S	S
Temporary Activity (See EC 9.5800)	S	S	S	S	S
Wildlife Care Center (See EC 9.5850)	S				

9.2741 Special Use Limitations for Table 9.2740.

(2) A duplex is permitted on any lot or parcel where a single detached dwelling is permitted.

(23) Secondary Dwellings. Secondary dwellings are only permitted in R-1 and subject to the standards at 9.2750, except that new secondary dwellings are prohibited on alley access lots.

(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:

~~1. Maximum Building Size: Eight rowhouses in a building, no more than 180 feet in width.~~

~~2. Minimum Interior or Rear Open Space Required: 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.~~

~~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.~~

~~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) Fourplex. When located in R-1, a fourplex shall be on a lot that was identified as a fourplex 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.~~

(4) Middle Housing on Nonconforming Lots.

(a) Triplexes, fourplexes, and cottage clusters are not permitted on lots that do not meet the minimum lot area standard for the applicable middle housing type, pursuant to EC 9.2751(1)(b).

(b) Notwithstanding subparagraph (a), individual units of middle housing are permitted on middle housing lots created pursuant to a middle housing land division.

~~(75)~~ **C-1 Neighborhood Commercial in Residential Zones.** Uses permitted outright in the C-1 Neighborhood Commercial zone shall be permitted in any residential zone through the planned

unit development process with a demonstration that the commercial uses will serve residents living in the PUD.

(86) *C-1 Neighborhood Commercial in R-2, R-3 and R-4 Zones.* Uses permitted outright or subject to site review in the C-1 Neighborhood Commercial zone shall be conditionally permitted in the R-2, R-3 and R-4 zone when the minimum residential density is achieved on the development site. All applicable standards for uses in the C-1 zone shall be complied with or granted an adjustment through the conditional use permit process except as follows:

(97) Permitted, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

(108) In addition to any residential structures for religious personnel, Churches, Synagogues and Temples in R-1 are permitted to have up to two dwellings per lot that are not subject to the ~~multiple-family~~ special development standards at EC 9.5500 and 9.5550, provided all of the following are met:

- (a) Each dwelling is used exclusively for low-income ~~individuals and/or families~~ persons where all units are subsidized. For the purposes of this section, low-income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development.

* * *

9.2750 Residential Zone Development Standards.

* * *

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	—	13 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), (16), (17), (18)					

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
Main Building. Does not include main building on Alley Access Lot in R-1	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot in R-1	See (18)	—	—	—	—
Accessory Building.	See (16)	20 feet	25 feet	30 feet	30 feet
Accessory Dwelling	See (17)	—	See (17)	See (17)	See (17)
Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)					
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
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 Accessory Buildings in R-1	See (16)	—	—	—	—

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 Accessory Dwellings	See (17)	—	See (17)	See (17)	See (17)
Interior Yard Setback for Alley Access Lots in R-1	See (18)	—	—	—	—
Area-Specific Interior Yard Setback	—	—	—	See (8)	See (8)
Maximum Lot Coverage (17), (18)					
All Lots, except where specifically addressed below	50% of Lot	—	50% of Lot	—	—
Lots with Accessory Dwellings (Area-Specific)	See (17)(c)	—	—	—	—
Alley Access Lots in R-1	See (18)	—	—	—	—
Rowhouse-Townhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<u>Cottage Clusters</u>					
<u>Lots with Duplexes, Triplexes, or Fourplexes</u>	<u>75% of Lot</u>		<u>75% of Lot</u>	<u>=</u>	<u>=</u>
<u>Outdoor Living Area/Open Space (13)</u>					
Minimum Total Open Space	—	—	20% of dev. site	20% of dev. site	20% of dev. site
<u>Middle Housing Minimum Total Open Space</u>	<u>=</u>		<u>10% of dev. site</u>	<u>10% of dev. site</u>	<u>10% of dev. site</u>
Fences (14)					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 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
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
Deer Fencing	See EC 9.2751(14)(c)	—	—	—	—
Driveways and Parking Areas (15)					
General Standards	—	—	—	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	—	—	—	—
Accessory Buildings in R-1 (16)					
General Standards	See (16)(a)	—	—	—	—
Area-Specific	See (16)(b)	—	—	—	—
Accessory Dwellings (17)					
General Standards	See (17)(a) and (b)	—	See (17)(a) and (b)	See (17)(a) and (b)	See (17)(a) and (b)
Area-Specific	See (17)(c)	—	—	—	—
Alley Access Lots (18)					
General Standards	See (18)(a)	—	—	—	—
Area-Specific	See (18)(b)	—	—	—	—
Maximum Bedroom Count (19)					
Area-Specific	See (19)	—	—	—	—

9.2751 Special Development Standards for Table 9.2750.

(1) *Density.*

- (a) The minimum residential density requirements set forth in Table 9.2750 do not apply to:

* * *

5. Dwellings exclusively for low income ~~individuals and/or families~~persons where all units are subsidized. For this purpose, low income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development. For these types of dwellings the minimum density is 10 units per net acre.

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

(b) The following exceptions to residential density requirements in Table 9.2750 apply to middle housing:

1. The maximum residential density requirements do not apply to duplexes, triplexes, fourplexes, or cottage clusters.
2. A duplex shall be permitted on:
 - i. Any lot or parcel with a lot area that is at least 2,250 square feet; and
 - ii. Any lot or parcel where a single detached dwelling is permitted.
3. A triplex shall be permitted on any lot or parcel with a lot area that is at least 3,500 square feet.
4. A fourplex shall be permitted on any lot or parcel with a lot area that is at least 4,500 square feet.
5. A cottage cluster shall be permitted on any lot or parcel with a lot area that is at least 4,500 square feet.
6. *Lot Area Reduction for Small Dwelling Units.* When the average size of all dwelling units in a duplex, triplex, fourplex, or cottage cluster is less than 900 square feet, the lot area thresholds listed in subparagraphs 2 through 5 of this subsection (b) shall be reduced by 25 percent (for example, a triplex with an average size of units less than 900 square feet would be allowed on a lot with an area of 2625 square feet).

For the purposes of this subsection, "Average size" means the average square footage of all dwelling units in the duplex, triplex, fourplex or cottage cluster using the formula:

$$\text{AS} = (X_1 + X_2 + X_3 \dots + X_{\#}) \text{ divided by } N$$

Where:

AS = Average Size of all Dwelling Units in a Duplex, Triplex, Fourplex, or Cottage Cluster

N = Total number of dwelling units in the duplex, triplex, fourplex, or cottage cluster. N is equal to the number of X# dwellings included within the parenthesis in the calculation.

X# = Dwelling unit size. The size of one dwelling unit that is a part of a duplex, triplex, fourplex, townhouse, or cottage cluster. Dwelling unit size is the total square footage of a dwelling, which is measured by adding together the square foot area of each full story or level in a dwelling. The square foot area must be measured at the exterior perimeter walls of each story of the dwelling, not including eaves, and is defined as all square footage inside of a dwelling, including, but not limited to, hallways, entries, closets, utility rooms, stairways, bathrooms and attached garages. For attached duplexes, triplexes, and fourplexes, the exterior perimeter walls of a dwelling shall be measured from the midpoint of any common wall for that portion of the structure that shares a common wall with another unit in the duplex, triplex, or fourplex. Outdoor living areas and structures are not included in the average size calculation, including, but not limited to; decks, porches, and covered areas enclosed by less than 50% on all sides; uncovered decks, patios, and porches; exterior stairways; and carports. Crawlspace, attics, and other areas that do not constitute a full story of the building are not included in the calculation for dwelling unit size.

7. Cottage clusters in the R-1 zone shall have a minimum net density of 4 units per acre.

8. Townhouses in the R-1 zone shall have a maximum net density of 25 units per acre. Townhouses in the R-2 zone shall have a maximum net density of 39 units per net acre.

* * *

(3) Building Height.

(e) In the R-1 zone, the maximum building height for a duplex, triplex, fourplex, or townhouse is 35 feet, plus the allowance for additional height provided in subparagraph (d) of this subsection (3).

(f) Maximum building height for cottage clusters is 25 feet, as provided in EC 9.5550(7)(a)3

* * *

(13) For middle housing, the minimum open space standard in R-2, R-3, and R-4 is 10% of the development site. For multiple-family-unit projects, refer to EC 9.5500(9) Open Space.

* * *

(15) *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 on a lot in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:

* * *

(b) R-1 Zone, Middle Housing: The standards in subparagraph (a) do not apply to duplexes or to development subject to the Middle Housing development Standards at EC 9.5550.

~~(b)~~ *R-3 and R-4 Zones.* Except for middle housing, development subject to the Multi-Family-Unit 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.

* * *

(18) *Alley Access Lots in R-1.*

(a) *General Standards.*

* * *

3. *Building Size.* The total building square footage of a dwelling or dwellings shall not exceed ~~40~~25 percent of the total lot area or ~~800~~1,200 square feet, whichever is smaller~~larger~~. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

* * *

5. *Building Height/Interior Setback.*

a. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 158 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 4825 feet.

* * *

7. *Bedrooms.* ~~The Each~~ dwelling shall contain no more than 3 bedrooms.

8. *Primary Entrance.* The primary entry to ~~the at least one~~ dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.

9. *Pedestrian Access.* ~~The d~~wellings shall be served by a minimum three foot wide hard-surfaced ~~hard-scaped~~ (~~paved,~~ concrete, asphalt, or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.

10. *Parking Spaces.* The minimum number of required off-street parking spaces is as provided in Table 9.6410 Required Off-Street Motor Vehicle Parking. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot, except where middle housing other than a duplex is proposed.

11. *Parking and Driveway.*

a. Only one covered or enclosed parking space may be provided per dwelling (for example, a carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.

* * *

(b) *Area – Specific Alley Access Lot Standards in R-1.* Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)(3) Building Size, the following applies:

1. *Building Size.* An alley access lot dwelling or dwellings 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.

* * *

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 <u>9.2761</u> Special Standards for Table 9.2760.)					
	R-1	R-1.5	R-2	R-3	R-4
Lot Area Minimum (1)					
Lots, except Rowhouse- <u>townhouse</u> Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, <u>Cottage Cluster Lots,</u> <u>Duplex Division Lots and Middle</u> <u>Housing Lots</u>	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)					
Townhouse Lots (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600- square- feet-	1,600- squar e feet	1,600- square- feet-	1,600- square- feet-	1,600- square feet-
Duplex Lots (3) (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not	8,000 <u>2,250</u> square feet	—	2,250 <u>square feet</u>	2,250 <u>square feet</u>	2,250 <u>square feet</u>

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
be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)					
Triplex Lots (11) (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)	42,000 <u>3,500</u> 0 square feet	-	-3,500 <u>square feet</u>	-3,500 <u>square feet</u>	-3,500 <u>square feet</u>
Fourplex Lots (3) (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	46,000 <u>4,500</u> 0 square feet	-	-4,500 <u>square feet</u>	-4,500 <u>square feet</u>	-4,500 <u>square feet</u>
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
<u>Cottage Cluster Lots (3)</u>	<u>4,500</u> <u>square feet</u>		<u>4,500</u> <u>square feet</u>	<u>4,500</u> <u>square feet</u>	<u>4,500</u> <u>square feet</u>
<u>Middle Housing Lots (8)</u> 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

Lot Frontage Minimum (1)

Interior Lot <u>(6)</u>	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot <u>(6)</u>	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot <u>(6)</u>	35 feet	20 feet	35 feet (9)	35 feet (9)	35 feet(9)

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
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-Townhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet

Lot Width Minimum (1)

Interior Lot (6) (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot (6)	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-Townhouse Lot	150 feet	15 feet	150 feet	150 feet	150 feet

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.

* * *

~~(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.~~

(3) Lot Area Reduction for Small Middle Housing Units. When the average size of proposed dwelling units in a duplex, triplex, fourplex, or cottage cluster is less than 900 square feet, the lot area minimum shall be reduced by 25 percent (for example, a triplex lot created for development with an average size of units less than 900 square feet would be allowed to reduce the minimum lot area requirement to 2,625 square feet).

For the purposes of this subparagraph, "Average size" means the average square footage of all dwelling units in the duplex, triplex, fourplex or cottage cluster using the formula at EC 9.2751(1)(b)6.

(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.

(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.)

(d) Middle Housing on Flag Lots. When development of a duplex, triplex, fourplex or cottage cluster, is proposed on a flag lot the lot area minimum for the flag lot shall be 4,500 square feet.

* * *

~~(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.~~

(6) Duplex and Triplex Lot Frontage and Width. The minimum lot frontage and minimum lot width is 20 feet for duplex lots (both interior and corner lots). The minimum lot frontage and minimum lot width is 35 feet for triplex lots (both interior and corner lots).

* * *

(8) ~~Duplex Division~~Middle Housing Lots. ~~Duplex division~~Middle Housing lots shall comply with other ~~duplex-division~~Middle Housing Lot provisions. (See EC 9.2777 ~~Duplex Division~~Middle Housing Lot Standards.)

9.2770 Small Lot Standards For R-2, R-3 and R-4 Zones.

(1) *Purpose and Applicability.* The small lot provisions are intended to increase opportunities for affordable housing, home ownership, and infill development. The small lot standards in subsection (3) shall apply when, as part of a subdivision or partition, a lot is proposed which has less than 4,500 square feet in lot area. Small lots proposed as part of a cluster subdivision or a PUD are not subject to these small lot standards.

* * *

(3) *Development Standards.*

(a) Zero interior yard setback option: Permitted, provided there is common wall construction or as permitted by the building coded with required fire separation with a building on the adjacent lot, or there is at least 10 feet of separation between the building and all buildings on the adjacent lot.

* * *

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

* * *

(3) *Land Division Regulations.*

(a) *Flag Lot Area.* The required minimum lot area for the flag lot, excluding the pole portion of the lot, is 6,000 square feet, except that the minimum lot area for a flag lot, excluding the pole portion of the lot, on which a duplex, triplex, fourplex, or cottage cluster is proposed is 4,500 square feet. ~~The original lot, prior to creation of the flag lot, shall be at least 13,500-square feet.~~

(b) *Lot Dimensions.* The minimum average lot width is 50 feet.

* * *

9.2777 ~~Duplex Division~~Middle Housing Lot Standards.

~~(1) Purpose.~~ Duplex division lots allow existing duplexes to be divided into two separate legal lots in order to increase opportunities for affordable home ownership.

~~(2) Land Division Regulations.~~ All applicable regulations for the type of land division process being used must be met except where the duplex division lot standards create different requirements.

~~(a) The existing lot must contain at least 8,000 square feet.~~

~~(b) The resulting lots will be relatively equal in size with the maximum difference equal to 10 percent or less of the total area of the original lot.~~

~~(c) The lot width is at least 40 feet.~~

~~(d) The minimum lot area is at least 3,600 feet.~~

~~(3) Use Regulations.~~ Duplex division lots have the same land use regulations as the base zone.

~~(4) Development Standards.~~

~~(a) All base zone standards must be met unless otherwise stated in this section.~~

~~(b) The existing lot is occupied by a duplex that conforms to all applicable regulations.~~

~~(c) A single family dwelling will not replace or be added to the lot.~~

~~(d) Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city attorney approved easement recorded in the Lane County Recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.~~

~~(e) Prior to approval, the planning director may require an applicant(s) to enter into a written, city attorney approved agreement suitable for recording in the Lane County Recorder's office that establishes rights, responsibilities, and liabilities with respect to~~

~~maintenance and use of common areas such as, but not limited to, roofing, water pipes, and wiring.~~

(1) There are no frontage, width, or lot area standards for middle housing lots.

(2) A middle housing lot may not contain more than one unit of middle housing. A middle housing lot that includes a common area, but does not include a dwelling, is permitted.

(3) A middle housing lot may not be divided.

* * *

S-C Chambers Special Area Zone

9.3050 Purpose of S-C Chambers Special Area Zone.

The S-C Chambers Special Area zone is intended to:

- (1) Protect and maintain healthy existing residential neighborhoods by ensuring compatible design for infill development in terms of mass, scale, orientation and setback to complement patterns in the existing neighborhood;
- (2) Promote a general increase in density with a mix of multi-~~family-unit, middle housing,~~ and single ~~family-detached~~ residential development that contributes positively to the neighborhood pattern of single ~~family~~-detached dwellings;

* * *

9.3060 S-C Chambers Special Area Zone – Land Use and Permit Requirements and Special Use Limitations.

Except where the standards in EC 9.3065 S-C Chambers Special Area Zone Development Standards specifically provide otherwise:

- (1) The land use and permit requirements and special use limitations applicable in the S-C/R-1 subarea shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-1 zone.

(2) The land use and permit requirements and special use limitations applicable in the S-C/R-2 subarea shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone.

* * *

9.3065 S-C Chambers Special Area Zone – Development Standards.

(1) *Application of Standards.* The standards in this section 9.3065 apply to uses and development established within the S-C Chambers Special Area Zone after December 12, 2005. As used in this section, “residential building” means a building containing one or more dwellings. In the event of a conflict between other provisions of this code and the provisions of this section, the specific provisions of this section 9.3065 shall control.

(2) *Development Standards Applicable in the S-C/R-1 Subarea.* Except as provided in this subsection, the development standards applicable in the S-C/R-1 Subarea shall be those set forth in EC 9.2750 to EC 9.2777 for the R-1 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885. The development standards in EC 9.3065 (2)(a) – (c) do not apply to middle housing in the S-C/R-1 Subarea.

* * *

(3) *Development Standards Applicable in S-C/R-2 Subarea.* Except as provided in this subsection, the development standards applicable in the S-C/R-2 subarea shall be those set out in EC 9.2750 to 9.2777 for the R-2 zone, Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850, and the General Standards for all Development in EC 9.6000 through 9.6885. The development standards in EC 9.3065 (3)(a) – (j) do not apply to middle housing in the S-C/R-2 Subarea.

* * *

S-CN Chase Node Special Area Zone

9.3100 Purpose of S-CN Chase Node Special Area Zone.

The special area zone applied to the Chase Node area is intended to implement the comprehensive plan and TransPlan by ensuring that:

* * *

- (3) Multi-family-unit developments retain visual and physical links to adjacent public parks and natural areas and preserve unique natural features found on the site.
- (4) New multi-family-unit developments shall front onto public and private streets with building entrances visible from the street.
- (5) Setbacks and building designs for multi-family-unit developments shall promote privacy and compatibility with abutting lower intensity residential uses and historic properties.

* * *

9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements.

The following Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements identifies those uses in the S-CN zone that are:

- (P) Permitted, subject to zone verification.
- (C) Subject to an approved conditional use permit.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC [9.5000](#).
- (#) The numbers in () in the table are uses that have special use limitations described in EC [9.3116](#).

Examples of uses in Table 9.3115 are for informational purposes and not exclusive. Table 9.3115 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC [9.8465](#).

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
* * *			
Residential			
Dwellings (All dwellings shall meet minimum and maximum density requirements for development within the Chase Gardens Plan area.)			
One-Family <u>Single Detached</u> Dwelling per lot (Includes zero lot line dwellings)		P	P
Controlled Income and Rent Housing where density is above that normally required in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple family unit standards in EC <u>9.5500</u> .)		S	S
Rowhouse <u>Townhouse</u> (One family on own lot attached to adjacent residence on separate lot) (See <u>9.5550</u>)	P(3)(4) <u>S</u>	P(3)(4) <u>S</u>	P(3)(4) <u>S</u>
Duplex (Two family attached on the same lot)		P	P
Tri-plex (Three family attached on the same lot) (See EC <u>9.55050</u>)		P <u>S</u>	P <u>S</u>
Four-plex (Four family attached on the same lot) (See EC <u>9.55050</u>)		S	S
<u>Cottage Cluster</u> (See EC <u>9.5550</u>)		<u>S</u>	<u>S</u>
Multiple Family Unit (3 or more dwellings on the same lot) (See <u>9.5500</u>)	S	S	S
Manufactured Home Park (See <u>9.5400</u>)			P(5 3)
* * *			

9.3116 Special Use Limitation for Table 9.3115.

* * *

~~(3) **Rowhouses.** Rowhouses are not required to comply with the density requirements for other types of residential development. Rowhouses shall comply with the following:~~

~~(a) **Maximum Building Size.** Eight rowhouses in a building, no more than 180 feet in total width.~~

~~(b) **Minimum Interior or Rear Open Space Required.** 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.~~

~~(c) **Access.** Vehicular access and garages must be provided from an alley located to the rear of the rowhouses, not from the primary street.~~

~~(4) **Alley.** Required for vehicular access and parking, no motor vehicle access in front of lot.~~

* * *

9.3125 S-CN Chase Node Special Area Zone Development Standards.

(1)

(a) *Application of Standards.* In addition to the special use limitations in EC [9.3116](#) and the development standards in EC [9.3125](#) to [9.3126](#), Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850 and the General Standards for All Development in section [9.6000](#) through [9.6885](#) apply within this zone. Except as provided in subsection (b), below, in the event of a conflict between those ~~general development standards and~~ the development standards in EC [9.3125](#) to [9.3126](#), and the special development standards in in EC 9.5000 through EC 9.5850 or the general development standards in EC 9.6000 through EC 9.5850, the specific provisions of EC [9.3125](#) to ~~9.23~~126 shall control.

(b) **Middle Housing Standards.** The development standards in EC 9.3125 to 9.3126 do not apply to middle housing in the S-CN special area zone. Middle Housing in the S-CN special area zone is subject to the development standards established for the R-4 zone in EC 9.2750 to 9.2751. In the event of a conflict between the development standards in EC 9.2750 to 9.2751, and the special development standards in in EC 9.5000 through EC 9.5850 or the general development standards in EC 9.6000 through EC 9.5850, the specific provisions of EC 9.2750 to 9.2751 shall control.

(~~bc~~) *Adjustment.* The development standards in subsections (2) and (3) of this section may be adjusted in accordance with EC [9.8030\(18\)](#).

* * *

S-DW Downtown Westside Special Area Zone

9.3200 Purpose of S-DW Downtown Westside Special Area Zone.

The special area zone applied to the Downtown Westside area is intended to achieve the following objectives:

- (1) Maintenance of the primary residential use and character of the area through rehabilitation of existing residential structures and additional high-density residential development as the primary land use in the area.
- (2) Provision for existing office and small commercial uses as well as some limited additional office and small commercial development in the area, provided such uses are secondary to the primary residential land use in the area.
- (3) Retention of major landscape features that enhance the character of the area.

* * *

9.3210 S-DW Downtown Westside Special Area Zone – Land Use and Permit Requirements.

The following Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements identifies those uses in the S-DW zone that are:

- (P) Permitted, subject to zone verification.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC [9.5000](#).

(#) The numbers in () in the table are uses that have special use limitations described in EC [9.3211](#).

Examples listed in Table 9.3210 are for informational purposes and are not exclusive. Table 9.3210 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC [9.8465](#).

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
* * *	
Residential	
Dwellings (All dwellings types are permitted if approved through the Planned Unit Development process.)	
One-Family <u>Single Detached</u> Dwelling (1 Per Lot)	P
Secondary Dwelling (Either Attached or Detached from Primary One-Family <u>single detached</u> Dwelling On Same Lot)	P
Rowhouse Townhouse (One Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) (See EC 9.5550)	<u>PS</u>
Duplex	P
Tri-plex (Three Family Attached on Same Lot) (See EC 9.5550)	<u>PS</u>
Four-plex (Four Family Attached on Same Lot) (See EC 9.5550)	<u>PS</u>
<u>Cottage Cluster (See EC 9.5550)</u>	<u>S</u>
Multiple-Family Unit (35 or More Dwellings on Same Lot) (See EC 9.5500)	<u>PS</u>
* * *	

* * *

9.3215 S-DW Downtown Westside Special Area Zone Development Standards.

(1) *Application of Standards.* Except as provided in subsection (1)(a) below, in addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards in this section, and in EC [9.3216](#) Special Development Standards for Table 9.3215 shall apply to all development within this zone. In cases of conflict, the development standards specifically applicable in the S-DW special area zone shall apply.

(a) Middle Housing Standards. All middle housing development in the S-DW special area zone shall be exempt from the development standards in EC 9.3215 to 9.3216. Middle Housing in the S-DW special area zone is subject to the development standards established for the R-4 zone in EC 9.2750 to 9.2751 and the special development standards in in EC 9.5000 through EC 9.5850. In the event of a conflict between the development standards in EC 9.2750 to 9.2751, and the special development standards in in EC 9.5000 through EC 9.5850 or the general development standards in EC 9.6000 through EC 9.5850, the specific provisions of EC 9.2750 to 9.2751 shall control.

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

* * *

9.3220 S-DW Downtown Westside Special Area Zone Lot Standards.

The following Table 9.3220 sets forth lot standards within the S-DW zone. The numbers in () are references to special limitations that are set forth in EC [9.3221](#). The lot standards in EC 9.3220 to 9.3221 do not apply to middle housing in the S-DW special area zone. The creation of lots for Middle Housing (including duplex lots, triplex lots, fourplex lots, townhouse lots, cottage cluster lots, and middle housing lots) in the S-DW special area zones subject to the lot standards established for the R-4 zone in EC 9.2760 to 9.2777.

Table 9.3220 S-DW Downtown Westside Special Area Zone Lot Standards	
	S-DW
Area Minimum	
All Lots except Small Lots, Rowhouse Townhouse Lots, and Residential Flag Lots and Duplex Division Lots (1)	4,500 square feet
Small Lots (2)	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
Duplex Division Lots (4) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet
Flag Lot (53)	6,000 square feet
Frontage Minimum	
Interior Lot (1)	20 feet
Corner Lot (1)	20 feet
Curved Lot (1)	20 feet
Alley Access	na
Width Minimum	
Interior Lot (1)	20 feet
Corner Lot (1)	20 feet
Curved Lot (1)	20 feet
Alley Access	20 feet

* * *

9.3221 Special Standards for Table 9.3220.

(1) Lot area, frontage, and width minimums may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC [9.7300](#) General Overview of Type III Application Procedures and for approval criteria refer to EC [9.8320](#) Tentative Planned Unit Development Approval Criteria – General.)

(2) 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) Rowhouses shall have street frontage for the residence and rear frontage for off street parking.~~

~~(4) Shall comply with other duplex division provisions. (See EC [9.2777](#) Duplex Division Lot Standards.~~

(53) No variance to residential flag lot standards are allowed. Minimum lot area excludes the pole portion of the lot. Other residential flag lot standards also apply. (See EC [9.2775](#) Residential Flag Lot Standards for R-1.)

* * *

S-E Elmira Road Special Area Zone

9.3300 Purpose of S-E Elmira Road Special Area Zone.

The purpose of the S-E Elmira Road Special Area Zone is to allow a mix of low- and medium- density residential uses and a limited range of commercial uses. The S-E zone is also intended to achieve the following, more specific purposes:

- (1) Allow use of existing non-residential structures on property and the development of complementary structures for video, audio, and film production related purposes.
- (2) Ensure that non-residential uses of property are compatible with adjacent residential areas, both on and off the development site to which the S-E zone is applied.
- (3) Ensure that portions of the area zoned S-E Elmira Road are kept available for residential development.
- (4) Ensure that development within the S-E zone is developed in a manner compatible with the surrounding neighborhood.

* * *

9.3310 S-E Elmira Road Special Area Zone – Land Use and Permit Requirements.

The following Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements identifies those uses in the S-E zone 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 [9.3311](#).

The examples listed in Table 9.3310 are for informational purposes and are not exclusive. Table 9.3310 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC [9.8465](#).

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
	S-E
* * *	
Residential	
Dwellings	
One-Family <u>Single Detached</u> Dwelling (1 Per Lot)	P
Townhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot) <u>See EC 9.5550</u>	<u>PS</u>
Duplex (Two-Family Attached on Same Lot)	P
<u>Triplex (See EC 9.5550)</u>	<u>S</u>

Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements	
<u>Fourplex (See EC 9.5550)</u>	<u>S</u>
<u>Cottage Cluster (See EC 9.5550)</u>	<u>S</u>
Multiple Family Unit Dwellings (35 or More Dwellings on Same Lot) (See EC <u>9.5500</u>)	PUD
* * *	

* * *

9.3315 S-E Elmira Road Special Area Zone Development and Lot Standards.

In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in subsections (1) to (3) of this section shall apply to all development in the S-E zone. In cases of conflict, the standards specifically applicable in the S-E zone shall apply:

- (1) All residential development shall be governed by the general standards applied to the R-1 zone.
- (2) All non-residential development shall be governed by the general standards applied to the GO zone, with the exception that all buildings shall conform with the height limitations of the R-1 zone. Any new non-residential structure shall be set back a minimum of 25 feet from the exterior boundaries of the development site.
- (3) Signing for the residential portions of the development site shall be governed by EC [9.6650](#) Residential Sign Standards; signing for non-residential portions of the development site shall be governed by EC [9.6655](#) General Office Sign Standards.

S-HB Blair Boulevard Historic Commercial Special Area Zone

9.3500 Purpose of S-HB Blair Boulevard Historic Commercial Special Area Zone.

The purpose of the S-HB zone is to permit, after appropriate review, the use of historically significant buildings and sites for a range of permitted uses not otherwise found in a base zone, and to preserve these buildings where their maintenance and productive use would not otherwise be economically practical, and a standard zone classification would be inappropriate. Historic landmark designation helps to preserve the city's heritage. Recognition of landmarks enhances the beautification of the city, promotes the city's economic health, and preserves the values of these properties. Regulation of designated landmarks provides a means to review changes and ensure that historic and architectural values are preserved.

9.3505 Description of S-HB Blair Boulevard Historic Commercial Special Area Zone.

The S-HB was designated on March 10, 1993, and in order to encourage compatibility and continuity with the area's historic ambience and character, the design standards in EC [9.3515](#) are applicable to all properties within the zone.

9.3510 S-HB Blair Boulevard Historic Commercial Special Area Zone Uses.

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

(1) *Areas Designated for Low and Medium Density Residential.* Allowable uses are:

- (a) ~~One-family~~ Single Detached dwellings.
- (b) Duplexes.

(c) Triplexes.

(d) Four-plexes.

(e) Townhouses

(f) Cottage Clusters

(eg) Multiple-~~family~~ Unit dwellings.

(fh) Home occupations.

(gi) Bed and breakfast facilities.

* * *

S-JW Jefferson Westside Special Area Zone

9.3600 Purpose of S-JW Jefferson Westside Special Area Zone.

The overarching purpose of the S-JW zone is to prevent residential infill that would significantly diminish, and to encourage residential infill that would enhance the stability, quality, positive character, livability and natural resources of the encompassed residential areas. More specifically, the purposes of this zone include:

* * *

9.3615 S-JW Jefferson Westside Special Area Zone Land Use and Permit Requirements and Special Use Limitations.

The land use and permit requirements and special use limitations applicable in the S-JW Jefferson Westside Special Area Zone shall be those set out at EC [9.2740](#) and EC [9.2741](#) for uses in the R-2 zone, except:

The following uses listed on Table EC 9.2740 are prohibited in the S-JW Jefferson Westside Special Area Zone:

(1) Correctional Facilities.

(2) C-1 Neighborhood Commercial Zone permitted uses, unless such a use is specifically listed in another row on Table 9.2740 as an allowable use under the “R-2” column.

(Section 9.3615 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; amended by Ordinance No. 20625, enacted January 21, 2020, effective February 22, 2020.)

9.3625 S-JW Jefferson Westside Special Area Zone Development Standards.

(1) Application of Standards and Adjustment.

(a) *Application of Standards.* In addition to the special use limitations in EC [9.3615](#) and the development standards in EC [9.3625](#) to [9.3640](#) and EC [9.5000](#) to [9.5850](#), the General Standards for All Development in EC [9.6000](#) through [9.6885](#) apply within this zone. Except as provided in subsection (b) below, in the event of a conflict between the development standards in EC 9.3625 to 9.3640 and the special development standards in EC 9.5000 to 9.5850 or these general development standards in EC 9.6000 through 9.6885 and the development standards in EC 9.3625 to 9.3640, the provisions of EC 9.3625 to 9.3640 shall control.

(b) *Middle Housing Standards.* The development standards in EC 9.3625, 9.3626, and 9.3640 do not apply to middle housing development in the S-JW special area zone. Middle housing development in the S-JW special area zone is subject to the development standards established for the R-2 zone in EC 9.2750 to 9.2751. In the event of a conflict between the development standards in EC 9.2750 to 9.2751 and the special development standards in EC 9.5000 to 9.5850 or the general development standards in EC 9.6000 through 9.6885, the provisions of EC 9.2750 to 9.2751 shall control.

~~(c)~~ *Adjustment.* The development standards in subsections EC [9.3625\(6\)](#) regarding driveway width and EC [9.3625\(3\)\(a\)\(2\)\(b\)](#) regarding primary vehicle access may be adjusted in accordance with EC [9.8030\(26\)](#). For sites zoned S-JW Special Area Zone, these are the only standards that may be adjusted.

* * *

9.3630 S-JW Jefferson Westside Special Area Zone Lot Standards.

The following Table 9.3630 sets forth S-JW Jefferson Westside Special Area Zone lot standards, subject to the special standards in EC [9.3631](#). The lot standards in EC 9.3630 to 9.3631 do not apply to middle housing development in the S-JW special area zone. Middle housing development in the S-JW special area zone is subject to the lot standards established for the R-2 zone in EC 9.2760 to 9.2777.

* * *

S-RN Royal Node Special Area Zone

9.3800 Purpose of S-RN Royal Node Special Area Zone.

The special area zone applied to the Royal Node area is intended to ensure that:

* * *

(14) Residential garages shall be provided access from alleys whenever possible to improve the visual character of the street, improve pedestrian qualities along the street, and to promote construction of small-lot single family-detached housing dwellings with reduced lot widths;

(15) Multi-family-unit developments shall retain visual and physical links to adjacent public parks and natural areas and preserve unique natural features found on the site;

(16) Multi-family-unit developments shall front onto public and private streets with building entrances visible from the street;

(17) Setbacks and building designs for multi-family-unit developments shall insure privacy for and promote compatibility with abutting lower intensity uses;

(18) Vehicle parking lots or areas shall not be located between buildings and the public street;

(19) Large parking areas shall be separated into smaller lots to minimize their visual impact;

(20) Vehicle access points for multi-familyunit, commercial, and mixed-use developments shall connect to local or collector streets, via alleys whenever possible, rather than arterial streets;

* * *

9.3810 S-RN Royal Node Special Area Zone Land Use and Permit Requirements.

The following Table 9.3810 S-RN Royal Node Special Area Zone Uses and Permit Requirements identifies those uses in the S-RN zone that are:

(P) Permitted, subject to zone verification.

(C) Subject to an approved conditional use permit.

(S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC [9.5000](#).

(SR) Permitted, subject to an approved site review plan or approved final planned unit development.

(#) The numbers in () in the table are uses that have special use limitations described in EC [9.3811](#) Special Use Limitations for Table 9.3810.

Examples listed in Table 9.3810 are for informational purposes and are not exclusive. Table 9.3810 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC [9.8465](#).

Table 9.3810 S-RN Royal Node Special Area Zone					
Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
* * *					
Residential					
Dwellings. (All dwellings shall meet minimum and maximum density requirements for development within the Royal Specific Plan area. All dwelling types are permitted.)					
One-Family Single Detached Dwelling (1	P	P	P		

Table 9.3810 S-RN Royal Node Special Area Zone					
Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Per Lot, includes zero-lot line dwellings)					
Secondary Dwelling (Either Attached or Detached from Primary One-Family <u>Single Detached</u> Dwelling on Same Lot)	P(1)	P(1)	P(1)		
Rowhouse Townhouse (One-Family on Own-Lot Attached to-Adjacent Residence on-Separate Lot with-Garage or Carport-Access to the Rear of-the Lot)(See EC 9.5550)	<u>SP(2) (3)</u>	<u>SP(2) (3)</u>	<u>SP(2) (3)</u>	<u>SP(2) (3)</u>	<u>SP(2) (3)</u>
Duplex (Two-Family-Attached on Same Lot)	P	P	P		
Tri-plex (Three family-attached on the same-lot) See EC 9.5500(See EC 9.5550)	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	
Four-plex (Four-Family-Attached on Same Lot) See EC 9.5500(See EC 9.5550)	<u>PS</u>	<u>PS</u>	<u>PS</u>		
<u>Cottage Cluster (See EC 9.5550)</u>	<u>S</u>	<u>S</u>	<u>S</u>		
Multiple-Family <u>Unit</u> (3- or More Dwellings on-	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)

Table 9.3810 S-RN Royal Node Special Area Zone					
Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Same Lot (See EC 9.5500)					
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S – SR (4)	S – SR (4)			
Controlled Income and Rent Housing where density is above that normally permitted in the zoning district but does not exceed 150% of the maximum permitted density. (Shall comply with multiple-family unit standards in EC 9.5500 .)	S (9)	S (9)			

9.3811 Special Use Limitations for Table 9.3810.

~~(2) Rowhouses. Rowhouses shall comply with the following:~~

~~(a) Maximum Building Size. Eight rowhouses in a building, no more than 180 feet in width.~~

~~(b) Minimum Interior or Rear Open Space Required. 400 square feet per rowhouse with a minimum smallest dimension of 14 feet.~~

~~(c) *Auto Access and Parking.* Auto access and parking shall be provided from an alley to the rear of the lot; there shall be no auto access from the front of the lot.~~

~~(214) *Separation between Retail Marijuana Uses.* No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.~~

~~(a) "Premises" means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 475B.105.~~

~~(b) "Retail Marijuana Use" means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.105.~~

~~(c) "Within 1,000 Feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.~~

(3) *Alley Access.* This use is permitted only if there is an alley that can provide auto access and parking. There shall be no auto access in front of the lot.

* * *

(9) ~~*Multiple-Family Unit Structures.*~~ On development sites that will result in 100 feet or more of public or private street frontage, at least 60% of the site frontage abutting the street (including required yards) shall be occupied by a building(s) or enhanced pedestrian space with not more than 20 percent of the 60 percent in enhanced pedestrian space, placed within 10 feet of the minimum front yard setback line. On development sites with less than 100 feet of public or private street frontage, at least 40% of the site width shall be occupied by a building(s) placed within 10 feet of the minimum front yard setback line. Building projections and offsets with an offset interval of 10 feet or less meet this standard (excluding required yards). "Site width" as used in this standard, shall not include areas of street frontage that have significant natural resources as mapped by the city, delineated wetlands, slopes greater than 15%, recorded easements, required fire lanes or other similar non-buildable areas, as determined by the planning director.

(10) An adjustment may be made to the special use limitations in this section if consistent with the criteria in EC [9.8030\(17\)](#).

~~(11) *Separation between Retail Marijuana Uses.* No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.~~

~~(a) "Premises" means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 475B.105.~~

~~(b) "Retail Marijuana Use" means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.105.~~

~~(c) "Within 1,000 Feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.~~

9.3815 S-RN Royal Node Special Area Zone Development Standards – General.

(1)

(a) *Application of Standards.* In addition to the special use limitations in EC [9.3811](#) and the development standards in EC [9.3815](#) to EC [9.3823](#), the [Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5850 and General Standards for All Development in EC 9.6000 through 9.6885](#) apply within this zone. [Except as provided in subsection \(b\) below, in the event of a conflict between the development standards in EC 9.3815 to EC 9.3823, those and the special development standards in EC 9.5000 through EC 9.5850 or the general development standards and the development standards in EC 9.3815 to EC 9.3823, the specific provisions of EC 9.3815 to EC 9.3823 shall control.](#)

[\(b\) Middle Housing Standards.](#) The development standards in EC 9.3815 to 9.3816 do not apply to middle housing development in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas. Middle housing development in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas is subject to the development standards established for residential zones in EC [9.2750 to 9.2751 as follows:](#)

- [1. S-RN/LDR: R-1 zone](#)
- [2. S-RN/MDR: R-2 zone](#)
- [3. S-RN/RMU: R-2 zone](#)

~~(c)~~ *Adjustment.* The development standards in subsections [\(2\)](#) and [\(3\)](#) of this section may be adjusted in accordance with EC [9.8030\(17\)](#).

* * *

(e) *Multi-FamilyUnit Development*. With the following exceptions, Multi-FamilyUnit Development Standards in EC [9.5500](#) shall be applied to new multi-familyunit development within the S-RN Special Area Zone:

* * *

(c) *Front Porches*. Within the LDR subarea, front porches shall be provided on the ground floor of all dwelling units, other than multi-familyunit dwelling units. Front porches shall be a minimum of 6 feet deep by 10 feet wide (a minimum of 60 square feet). A minimum of 60% of each porch shall be covered to provide weather protection.

* * *

(h) *Landscaping Standards*. In addition to the landscape standards beginning with EC [9.6200](#) Purpose of Landscape Standards, and for multi-familyunit development in EC [9.5500\(8\)](#), the following standards apply to Commercial Mixed-Use area developments in the RMU, CMU and MSC subareas:

* * *

9.3822 S-RN Royal Node Special Area Zone Lot Standards.

The following Table 9.3822 sets forth lot standards within the S-RN zone. The numbers in () are references to special limitations that are set forth in EC [9.3823](#). All The lot standards in EC 9.3822 to 9.3823 do not apply to middle housing development in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas . Middle housing in the S-RN/LDR, S-RN/MDR, and S-RN/RMU subareas is subject to the lot standards established for residential zones in EC 9.2760 to 9.2777 as follows:

1. S-RN/LDR: R-1 zone
2. S-RN/MDR: R-2 zone
3. S-RN/RMU: R-2 zone

* * *

S-W Whiteaker Special Area Zone

9.3900 Purpose of S-W Whiteaker Special Area Zone.

The purpose of the S-W Whiteaker Special Area Zone is to encourage the economic vitality of the area for employment and industrial, institutional, and commercial uses while also allowing a mix of residential dwellings. This zone has a broad range of permitted uses. No single use is mandated or required within the area and the zone encourages both a mixture of uses within a building as well as within a block. The mix of land uses and increase in residential density and employment opportunities is designed to provide a place for people to live and work in the same area. It is intended that the character of the zone develop so that the diversity of uses are enhanced and tied together with various forms of usable public and private open space where there is pedestrian-oriented activity. Appropriate intermingling of structures, street amenities, and major landscape features will be necessary in order to integrate older development with newer development. Development within the zone will occur incrementally over time and this zoning will help ensure a coordinated effort is undertaken to improve the area by the public and private sectors. The S-W zone is also designed to:

* * *

9.3910 S-W Whiteaker Special Area Zone – Land Use and Permit Requirements.

The following Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements identifies those uses in the S-W zone 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 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 [9.3911](#).

Examples of uses in Table 9.3910 are for informational purposes and not exclusive. Table 9.3910 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC [9.8465](#).

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
* * *	
Residential	
Dwellings	
One-Family Single Detached Dwelling	P(2)
Townhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)(See EC 9.5550)	PS (2)
Duplex (Two-Family Attached on Same Lot)	PS (2)
Tri-plex (Three-Family Attached on Same Lot)(See EC 9.5550)	PS (2)
Fourplex (See EC 9.5550)	S (2)
Cottage Cluster (See EC 9.5550)	S (2)
Multiple Family Unit Dwellings (3 or More Dwellings on Same Lot)(See EC 9.5500)	PS (2)
* * *	

* * *

9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards.

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

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

* * *

(8) *Lot Area.* Except as provided in subsection (a), ~~Each~~ lot or development site shall have a minimum area of 4,500 square feet. However, lot area, frontage, and width minimums may be adjusted by the planning director if consistent with the purpose and intent of this land use code and necessary and suitable within the zone.

(a) Notwithstanding subsection (8), lots created or altered for the purpose of middle housing development shall comply with the lot standards at EC 9.2760 for the R-4 zone.

* * *

Special Development Standards for Certain Uses

9.5550 Middle Housing Development Standards.

(1) Purpose of Middle Housing Standards. The purpose of these development standards is to:

- (a) Ensure that new middle housing development enhances the variety of housing options available to Eugene's residents;
- (b) Ensure consistency with state requirements for middle housing;
- (c) Promote development of middle housing that provides opportunities for both rental and ownership housing;
- (d) Provide an adequate supply and range of housing types and prices that will meet the city's future population growth;
- (e) Promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape;
- (f) Provide a physical environment that contributes to and enhances the quality of life;

(2) Applicability of Middle Housing Standards.

- (a) Except as provided in subsection (b) Middle Housing standards in this section 9.5550 apply to development of all new triplex, fourplex, townhouse, and cottage cluster dwellings, including middle housing dwellings developed on a site with an existing dwelling or dwellings and middle housing dwellings created by adding building area to an existing dwelling or dwellings. Middle housing standards shall only apply to the portion of the development site impacted by the proposed middle housing development.
- (b) The middle housing standards do not apply to duplexes or to Middle Housing created through addition to or conversion of an existing Single Detached dwelling.
- (c) The middle Housing standards shall apply in all zones. These standards do not apply to dwellings in a building with non-residential use on the ground floor.
- (d) The Middle Housing standards apply in addition to the development standards for the applicable base zone. In the event of a conflict between the Middle Housing Development Standards and other applicable development standards in this code, the Middle Housing Development Standards control.

(3) *Adjustment.* Except as provided otherwise in this section 9.5550, the Middle Housing Development standards in EC 9.5550 may be adjusted consistent with the criteria in EC 9.8030(37).

(4) *Standards for Triplexes and Fourplexes.* Triplexes and fourplexes shall comply with all of the following:

(a) *Garages and Off-Street Parking Areas.* Garages and off-street parking areas shall not be located between a building and a public street, except in compliance with the standards in subsections 1 or 2 below.

1. The garage or off-street parking area is separated from the front lot line by a dwelling; or

2. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see **Figure 9.5550(4)(a)2. Triplex/Fourplex Width of Garages and Parking Areas**).

(b) *Driveways.* Driveways must comply with all of the following:

1. Driveways must comply with the access connection standards in EC 7.410 and 7.420.

2. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see **Figure 9.5500(4)(b)2-3. Triplex/Fourplex Driveway Approach Width and Separation on Local Street**). For lots or parcels with more than one frontage, see subsection 4.

3. Driveway approaches may be separated when located on a local street when they comply with the access connection spacing standards in EC 7.420 (see **Figure 9.5500(4)(b)2-3. Triplex/Fourplex Driveway Approach Width and Separation on Local Street**).

4. For lots or parcels abutting an alley that meets the paving width standards of EC 9.6870, access must be taken from the alley (see **Figure 9.5550(4)(b)4. Triplex/Fourplex Alley Access**).

5. Lots or parcels with more than one frontage must comply with the following:

a. Lots or parcels with frontages only on collectors and/or arterial streets must meet the access connection standards applicable to collectors and/or arterials located in EC. 7.420(2).

b. Lots or parcels with frontages only on local streets may have either:

(1) Two driveway approaches not exceeding 32 feet in total width on one frontage; or

(2) One maximum 16-foot-wide driveway approach per frontage (see Figure 9.5550(5)(b)4.b. Triplex/Fourplex Driveway Approach Options for Multiple Local Street Frontages).

(c) Entry Orientation and Windows.

1. Entry Orientation.

a. At least one main entrance for each triplex or fourplex structure must meet the standards in subparagraphs b and c below. Any detached structure where more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

b. The main entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.

c. The main entrance must either:

(1) Face the street (see Figure 9.5550(4)(c)1.a.(1) Middle Housing Main Entrance Facing the Street);

(2) Be located at an angle of up to 45 degrees from the street (see Figure 9.5550(4)(a)3.b. Middle Housing Main Entrance at 45° Angle from the Street);
or

(3) Open onto a porch (see Figure 9.5550(4)(c)1.c.(3) Middle Housing Main Entrance Opening onto a Porch). The porch must:

(a) Be at least 25 square feet in area; and

(b) Have at least one entrance facing the street or have a roof.

(4) In lieu of meeting a, b, or c above, main entrances for triplexes and fourplexes may instead face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 9.5550(4)(c)1.c.(4) Middle Housing Main Entrance Facing Common Open Space).

d. Criteria for Adjustment. Adjustments to the standards in EC 9.5550(4)(c)1. may be made, consistent with the criteria in EC 9.8030(37)(a) Entry Orientation.

2. Windows.

a. All street-facing facades, except those separated from the front lot line by a dwelling, shall have windows or entrance doors covering at least 15 percent of the applicable facade area. Half of the window area in a door of an attached garage may count toward meeting this standard. This standard may not be adjusted. (See Figure 9.5550(4)(c)2.a. Middle Housing Window Coverage.)

(d) Criteria for Adjustment. Except as provided in subparagraph (c), adjustments to the standards in this subsection (4) may be made, consistent with the criteria of EC 9.8030(37)(b) Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes.

(5) Standards for Townhouses. Townhouses shall comply with all of the following:

(a) Number of Attached Dwelling Units. These standards may not be adjusted.

1. Minimum. A townhouse project must contain at least two attached units.
2. Maximum. In the R-1 zone, the maximum number of townhouse units that may be attached is 10. In all other zones, there is no maximum number of townhouses that may be attached.

(b) Unit Features. Each townhouse unit must include at least one of the features in subsections 1 through 7 below on at least one street-facing façade (see Figure 9.5550(5)(b). Townhouse Unit Features):

1. A roof dormer a minimum of 4 feet in width, or
2. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
3. A bay window that extends from the facade a minimum of 2 feet, or
4. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
5. An entryway that is recessed a minimum of 3 feet, or
6. A covered entryway with a minimum depth of 4 feet, or
7. A porch meeting the standards of subsection 9.5550(5)(d)1.c.

(c) Driveway Access and Parking. Townhouses on lots with public street frontage shall meet the following standards:

1. The access connection standards in EC 7.410 and 7.420.

2. Garages on the front façade of a townhouse, off-street parking areas within the front yard setback, and driveways in front of a townhouse are allowed only if they meet the following standards in this subsection 2 (see **Figure 9.5550(5)(c)2. townhouses with Parking in Front Yard**).

a. Each townhouse lot has a street frontage of at least 15 feet on a local street.

b. A maximum of 1 driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.

c. Outdoor on-site parking and maneuvering areas do not exceed a total width of 12 feet on any lot.

d. The garage width does not exceed 12 feet.

3. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection 2 of this section.

a. Off-street parking areas shall be accessed on the back façade of the townhouse or located in the rear yard of the townhouse. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

b. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. (**See Figure 9.5550(5)(c)3.b. Townhouses on Corner Lot with Shared Access.**)

c. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area between the front building façade and front lot line of any of the townhouses. (**See Figure 9.5550(5)(c)3.c. Townhouses with Consolidated Access.**)

d. Townhouse projects shall include access easements recorded with Lane County Deeds and Records for vehicular access and emergency access for any consolidated access or shared driveways.

4. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection 3 of this section.

5. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(d) townhouse Driveway Access and Parking.

(d) *Entry Orientation and Windows.*

1. *Entry Orientation.*

a. The main entrance of each townhouse dwelling with frontage on a public street must meet the standards in subparagraphs b and c below.

b. The main entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.

c. The main entrance must either:

(1) Face the street (see **Figure 9.5550(4)(c)1.c.(1) Middle Housing Main Entrance Facing the Street**);

(2) Be located at an angle of up to 45 degrees from the street (see **Figure 9.5550(4)(c)1.c.(2) Middle Housing Main Entrance at 45° Angle from the Street**); or

(3) Open onto a porch (see **Figure 9.5550(4)(c)1.c.(3) Middle Housing Main Entrance Opening onto a Porch**). The porch must:

A. Be at least 25 square feet in area; and

B. Have at least one entrance facing the street or have a roof.

d. In lieu of meeting a, b, or c above, main entrances for townhouses may instead face a common open space, private street, or driveway.

d. *Criteria for Adjustment.* Adjustments to the standards in EC 9.5550(4)(a) may be made, consistent with the criteria in EC 9.8030(37)(a) Entry Orientation.

2. *Windows.*

a. All street-facing facades on each individual townhouse unit shall have windows or entrance doors covering at least 15 percent of the area of all facades. Half of the window area in a door of an attached garage may count toward meeting this standard. This standard may not be adjusted. (See **Figure 9.5550(4)(c)2.a. Middle Housing Window Coverage**.)

(6) *Standards for Cottage Clusters.* Cottage cluster development shall comply with all of the following:

(a) *General Standards.*

1. *Number of Dwellings.*

a. A single cottage cluster shall contain a minimum of 4 and a maximum of 8 cottages. The minimum number of cottages required by this subparagraph (a) may not be adjusted.

b. All cottages within a single cottage cluster must share a common courtyard. This standard may not be adjusted.

c. A cottage cluster project may include more than one cluster with more than one associated common courtyard. There is no limit to how many cottage clusters are permitted on a single lot.

2. Setbacks.

a. Building Separation. Cottages shall be separated by a minimum distance of 6 feet. This standard may not be adjusted. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

b. All other setbacks are provided in Table 9.2750 or in the development standards for the applicable zone.

3. Building Height. The maximum building height for all structures in a cottage cluster is 25 feet. This standard may not be adjusted.

4. Footprint. The building footprint for each cottage shall be less than 900 square feet. This standard may not be adjusted. The building footprint shall be measured by calculating the total square foot area of a building, when viewed directly from above, that covers a portion of a lot, except that the following structures or parts of structures shall themselves not be included in calculating building footprint: (A) Any part of a structure without a roof. (B) Roof eaves. (C) Carports, porches, and balconies that are open at least 50 percent of their respective perimeter. (D) detached garages or accessory buildings.

5. Maximum Cottage Size.

a. Average Size. The maximum average size permitted for a cottage cluster is 1,400 square feet. Community buildings shall be included in the maximum average size calculation for a cottage cluster. For the purposes of this subparagraph, "Average size" means the average square footage of all dwellings units in the cottage cluster using the formula at EC 9.2751(1)(b)6.

6. Accessory Buildings. Accessory buildings must not exceed 400 square feet in floor area. Accessory buildings in the R-1 zone must also comply with the standards in EC

9.2751(16). Accessory building size is the total square foot area of an accessory building, which is calculated by adding together the square foot area of each full story or level in an accessory building, measuring square foot area from the exterior perimeter walls of the accessory building. Eaves, decks, porches, exterior stairways and carports are not included in the accessory building size.

7. Windows. All street-facing facades of dwellings within 20 feet of a property line abutting a street shall have windows or entrance doors covering at least 15 percent of the area of all facades. Half of the window area in a door of an attached garage may count toward meeting this standard. This standard may not be adjusted. (See Figure 9.5550(4)(c)2.a. Middle Housing Window Coverage.).

8. Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(e) General Standards for Cottage Clusters.

(b) Cottage Orientation. Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 9.5550(6)(b)-(c). Cottage Cluster Orientation and Common Courtyard Standards):

1. Each cottage within a cluster must either abut the common courtyard or must be connected to it by a pedestrian path. This standard may not be adjusted.

2. A minimum of 50 percent of cottages within a cluster must:

a. Have a main entrance facing the common courtyard;

b. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

c. Be connected to the common courtyard by a pedestrian path.

3. As long as the standard in subsection 2 is met, the main entrances of cottages within 20 feet of a property line abutting a street may face the street.

4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is connected to the common courtyard.

5. Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(f) Cottage Cluster Orientation Standards.

(c) Common Courtyard Design Standards. Each cottage cluster must include a common courtyard in order to provide a sense of openness and community of residents. Common

courtyards must meet the following standards (see Figure 9.5550(7)(b)-(c). Cottage Cluster Orientation and Common Courtyard Standards):

1. The common courtyard must be a single, contiguous piece.
2. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
3. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
4. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
5. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard may count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
7. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(g) Common Courtyard Design Standards.

(d) *Community Buildings.* Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses, such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, or picnic shelters. Community buildings must meet the following standards:

1. Each cottage cluster is permitted one community building.
2. The community building shall have a maximum floor area of 1,200 sf. In addition, the community building shall count towards the maximum average floor area of the cottage cluster, pursuant to subsection 9.5550(6)(a)5.b.
3. If a community building meets the definition of a dwelling unit, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
4. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(h) Community Building Standards.

(e) *Pedestrian Access.* These standards may not be adjusted.

1. A pedestrian path must be provided that connects the main entrance of each cottage to the following:

- a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
2. The pedestrian path must be hard-surfaced (concrete, asphalt, or pavers) and a minimum of 3 feet wide.

(f) *Parking Design (see Figure 9.5550(6)(f). Cottage Cluster Parking Design Standards).*

1. *Clustered parking.* Off-street parking may be arranged in parking clusters, subject to the following standards:

- a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
- b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
- c. Parking clusters must be separated from other parking spaces or parking clusters by at least 4 feet of landscaping.
- d. Clustered parking areas may be covered.
- e. Clustered parking areas must meet the standards in EC 9.6420; however where the standards in EC 9.6420 conflict with the clustered parking standards in this subsection 1, the clustered parking standards in this subsection 1 control.

2. *Parking location and access.*

- a. Off-street parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street;

b. No off-street parking space or vehicle maneuvering area is permitted between a property line that abuts a street and the front façade of cottages located closest to that property line.

c. No off-street parking space is permitted within 10 feet of any property line external to the cottage cluster or cottage cluster project, except property lines abutting an alley. Driveways and drive aisles are permitted within 10 feet of property lines external to the cottage cluster or cottage cluster project.

d. Driveways must meet the access connection standards in EC 7.410 and 7.420.

3. *Screening.* Screening that is at least three feet tall, consisting of landscaping, fencing, or walls shall separate clustered parking areas and parking structures from common courtyards and public streets.

4. *Garages and carports.*

a. Garages and carports (whether shared or individual) must not abut more than 25 percent of a common courtyard's perimeter.

b. Individual detached garages must not exceed 400 square feet in floor area.

c. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

5. *Criteria for Adjustment.* Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(37)(i) Cottage Cluster Parking Design Standards.

(g) *Existing Structures.* On a lot or parcel to be used for a cottage cluster project, an existing single detached dwelling and accessory uses and buildings on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area provided they comply with the standards in subsections 1 – 4 below. These standards may not be adjusted.

1. The existing dwelling may be nonconforming with respect to the requirements of this section EC 9.5550(7).

2. The existing dwelling may be altered or expanded up to a maximum height of 25 feet or a maximum building footprint of 900 square feet. Existing dwellings that exceed the maximum height and/or footprint standards may not be expanded.

3. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

4. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 9.5550(7)(b)2.

* * *

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Special Development Standards for Certain Uses - Figures

NOTE: Figures will move to the Figures and Maps section of Eugene Code Chapter 9 and formatted accordingly.

Figure 9.5550(4)(c)1.c.(1) Middle Housing Main Entrance Facing the Street

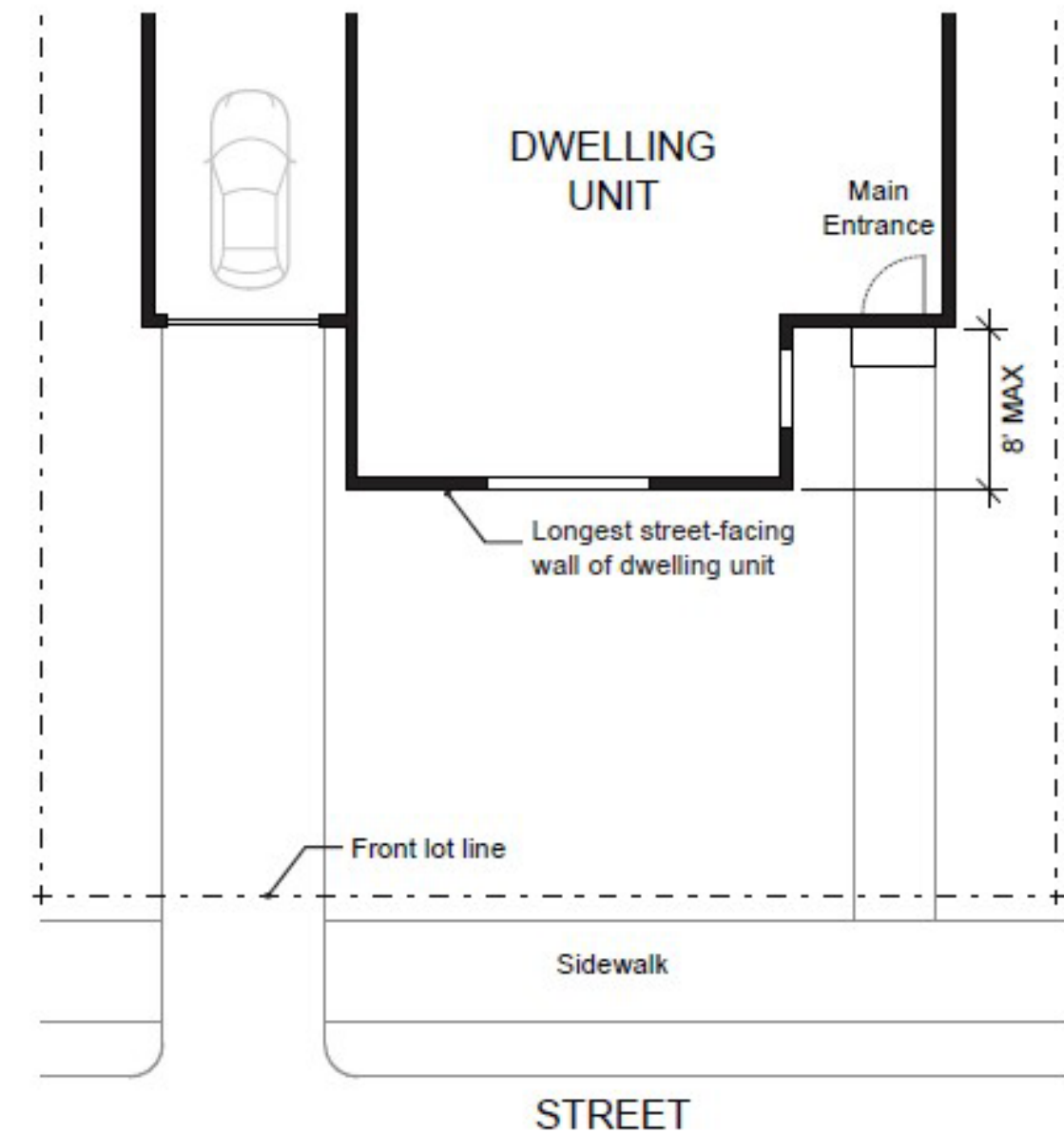


Figure 9.5550(4)(c)1.c.(2) Middle Housing Main Entrance at 45° Angle from the Street

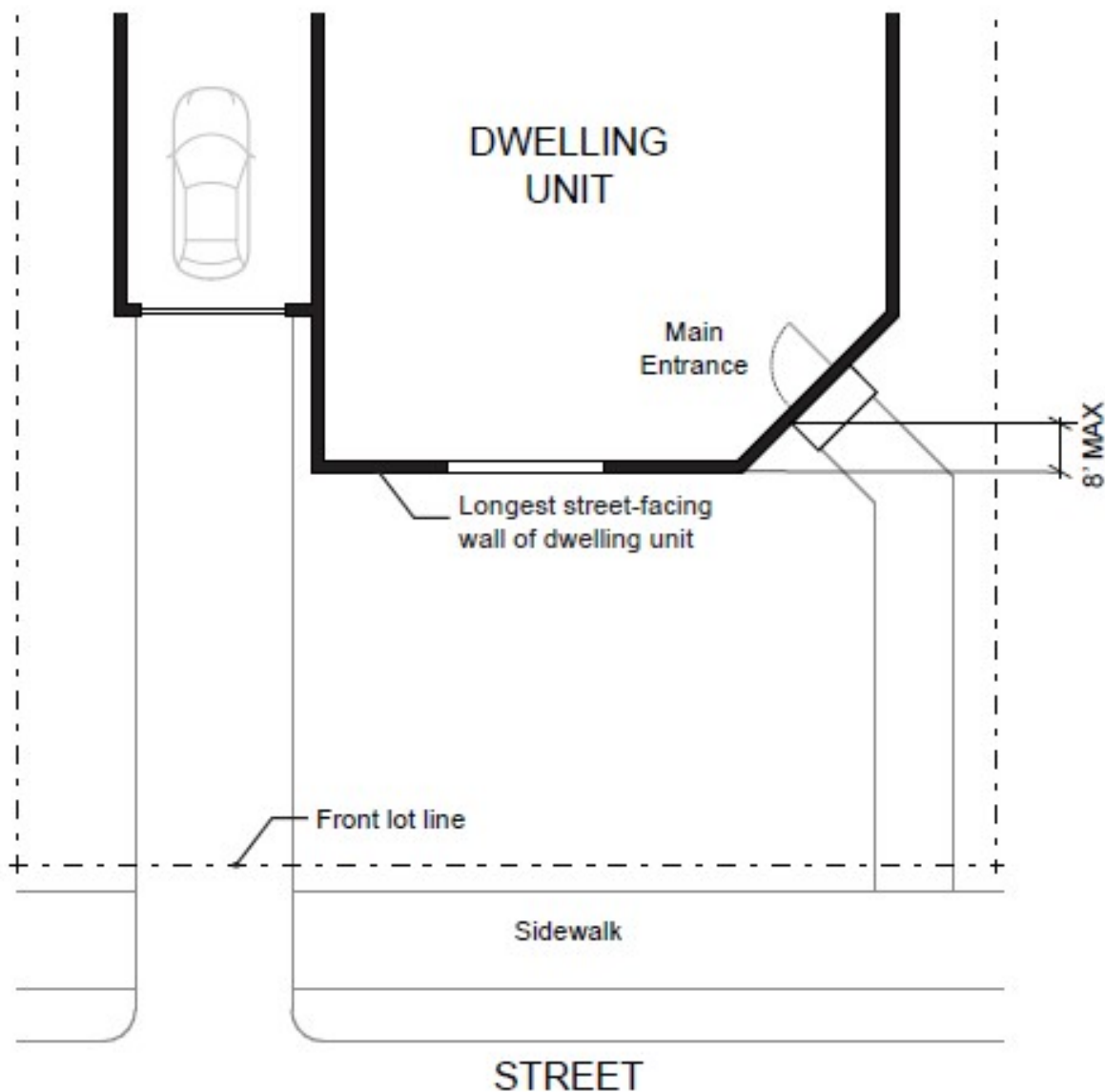


Figure 9.5550(4)(c)1.c.(3) Middle Housing Main Entrance Opening onto a Porch

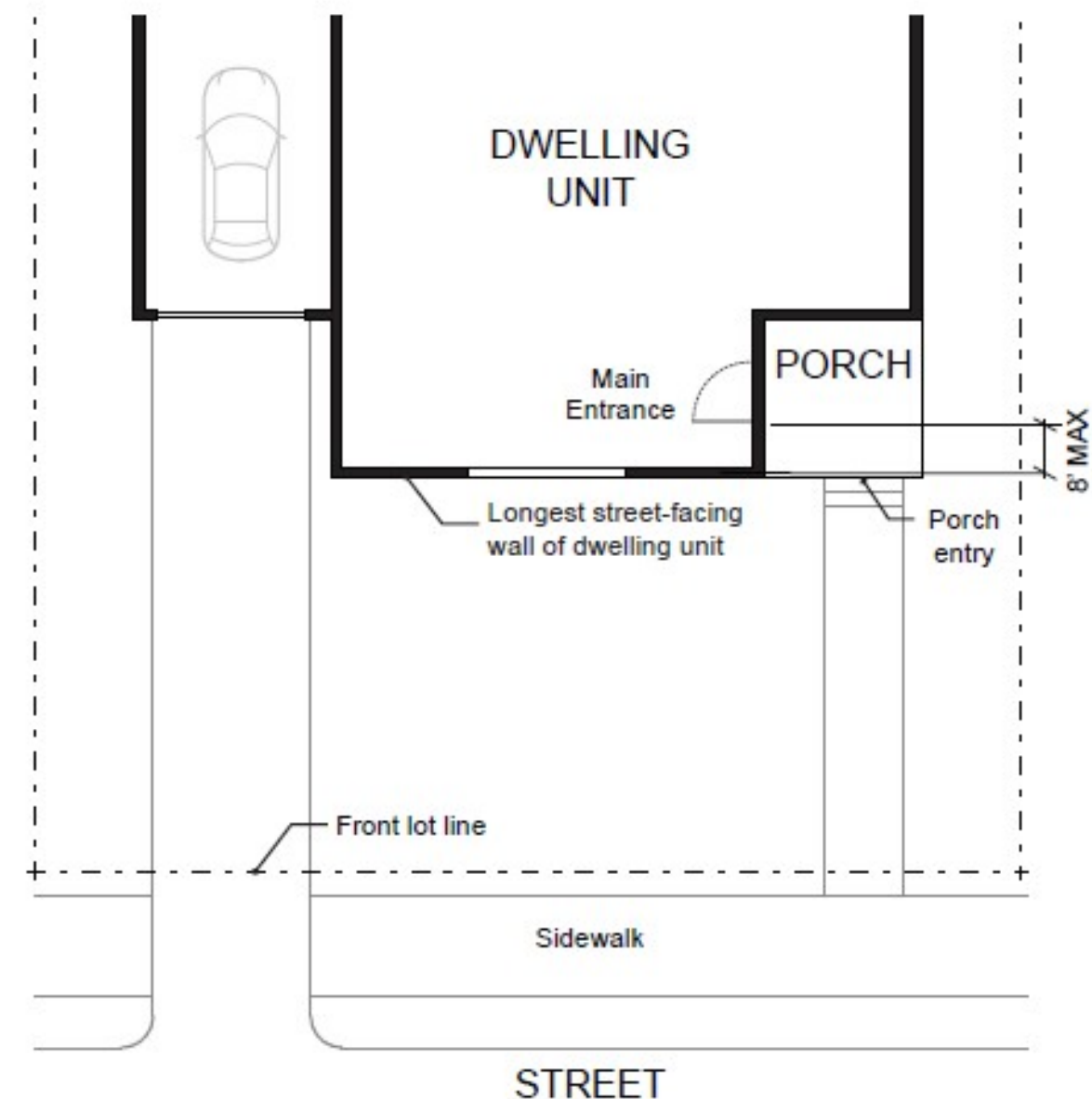


Figure 9.5550(4)(c).1.c.(4) Middle Housing Main Entrance Facing Common Open Space

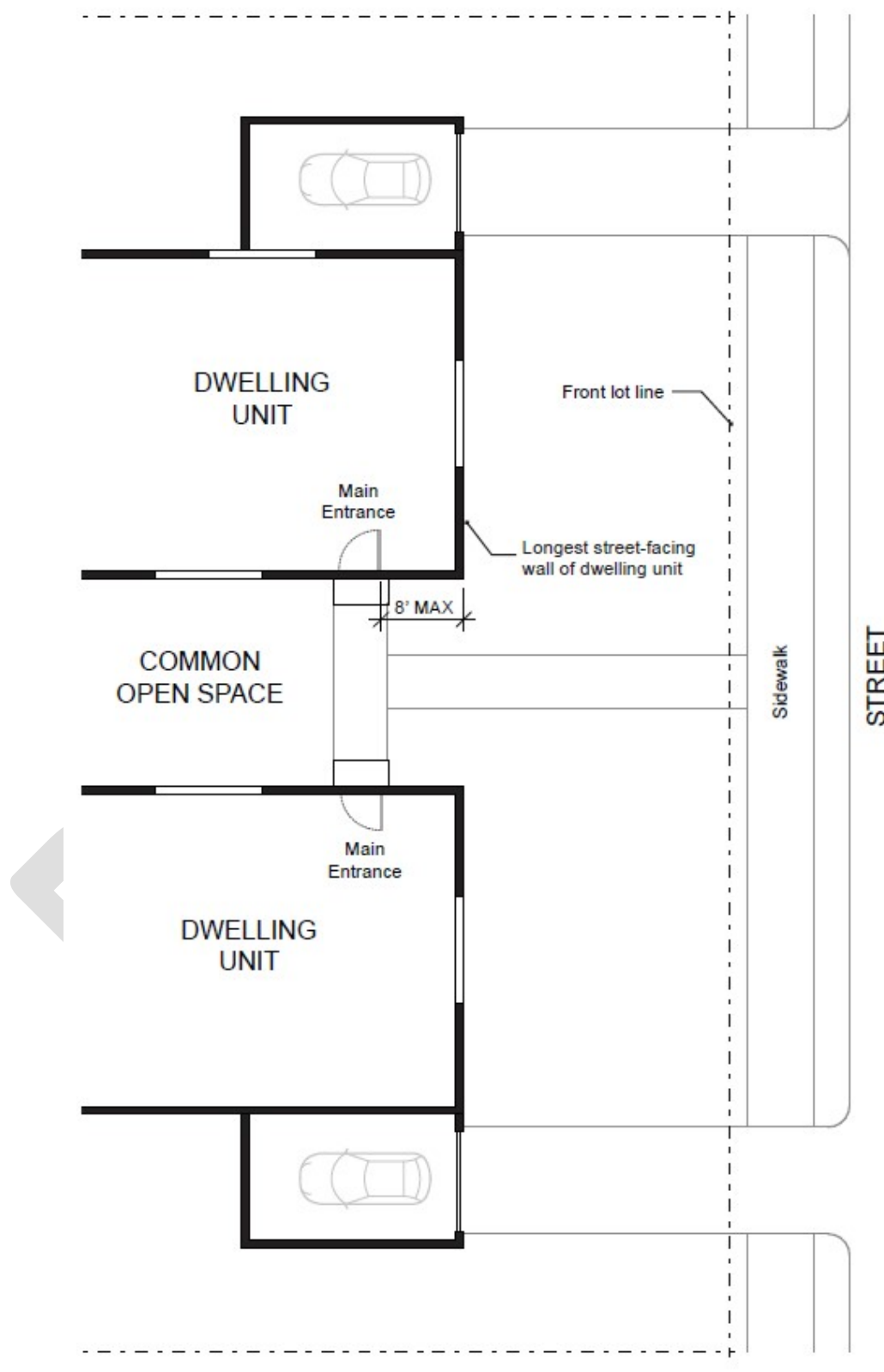


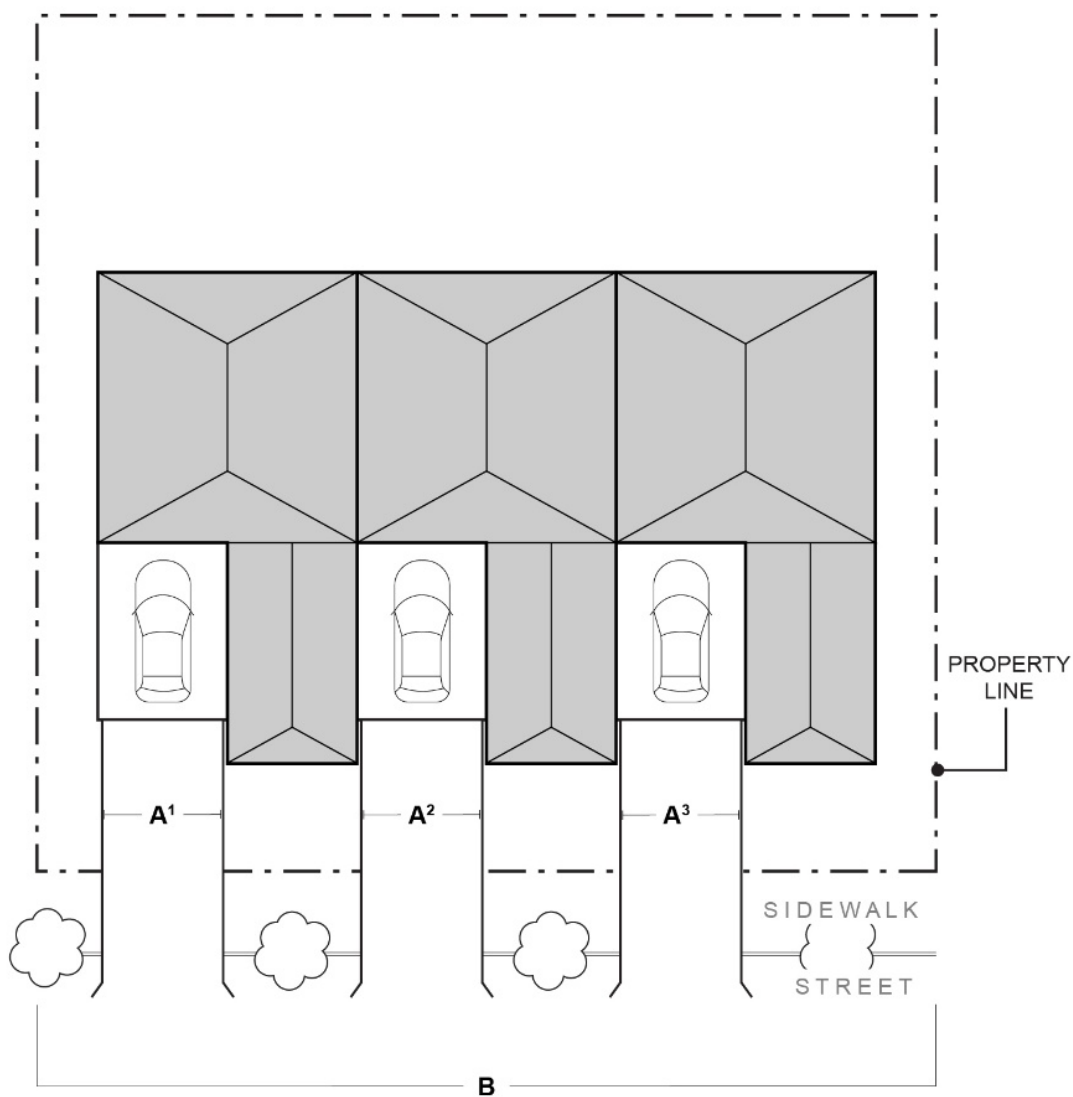
Figure 9.5550(4)(c)2.a. Middle Housing Window Coverage



STREET-FACING FACADE

- Area subject to 15% window & entrance door coverage requirement
- ▨ Qualifying window coverage
- ▩ Qualifying entrance door coverage

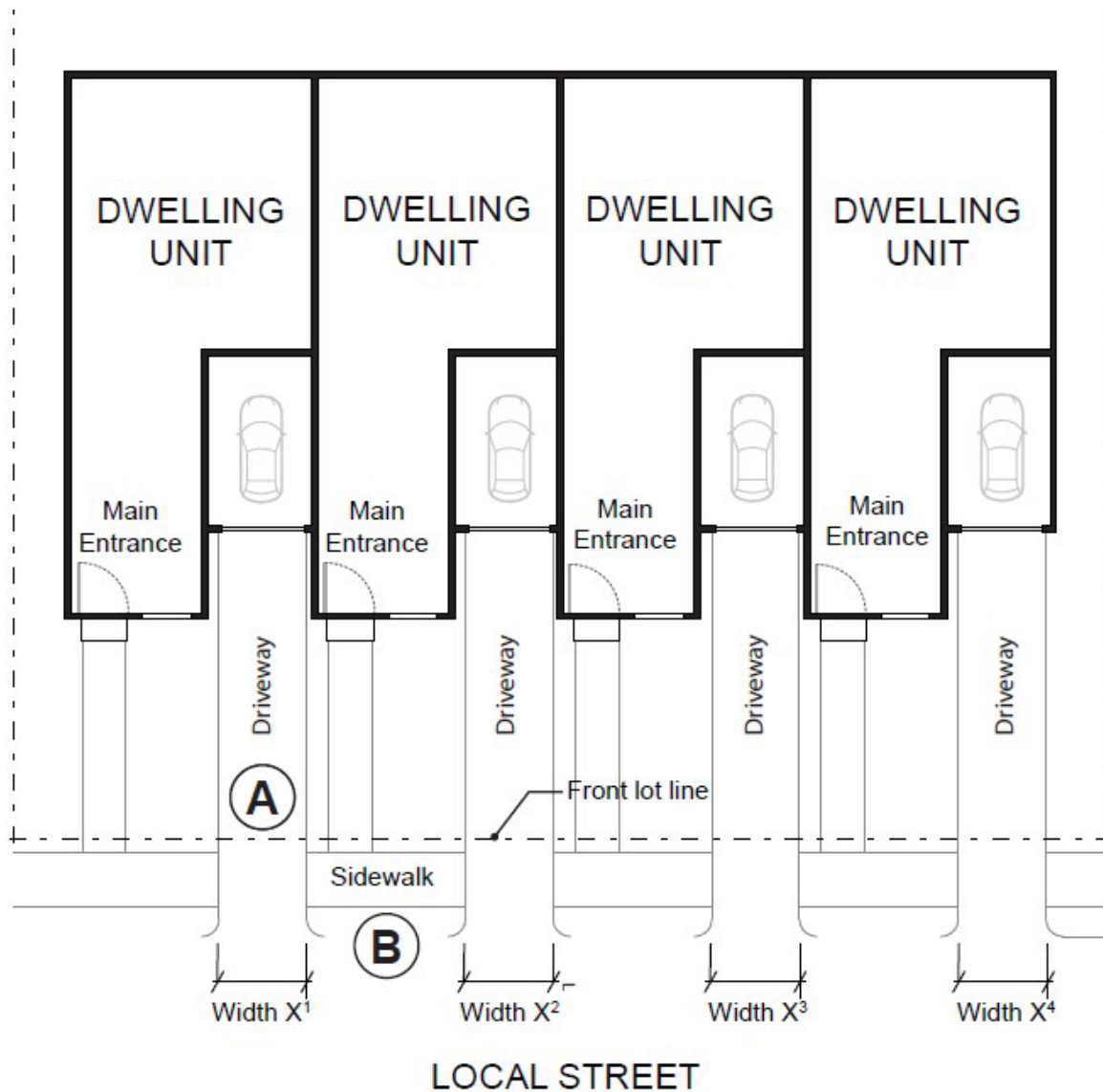
Figure 9.5550(4)(a)2. Triplex/Fourplex Width of Garages and Parking Areas



- Ⓐ Garage and on-site parking and maneuvering areas
- Ⓑ Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

Figure 9.5500(4)(b)2-3. Triplex/Fourplex Driveway Approach Width and Separation on Local Street



A $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,

B Driveway approaches may be separated when located on a local street

Figure 9.5550(4)(b)4. Triplex/Fourplex Alley Access

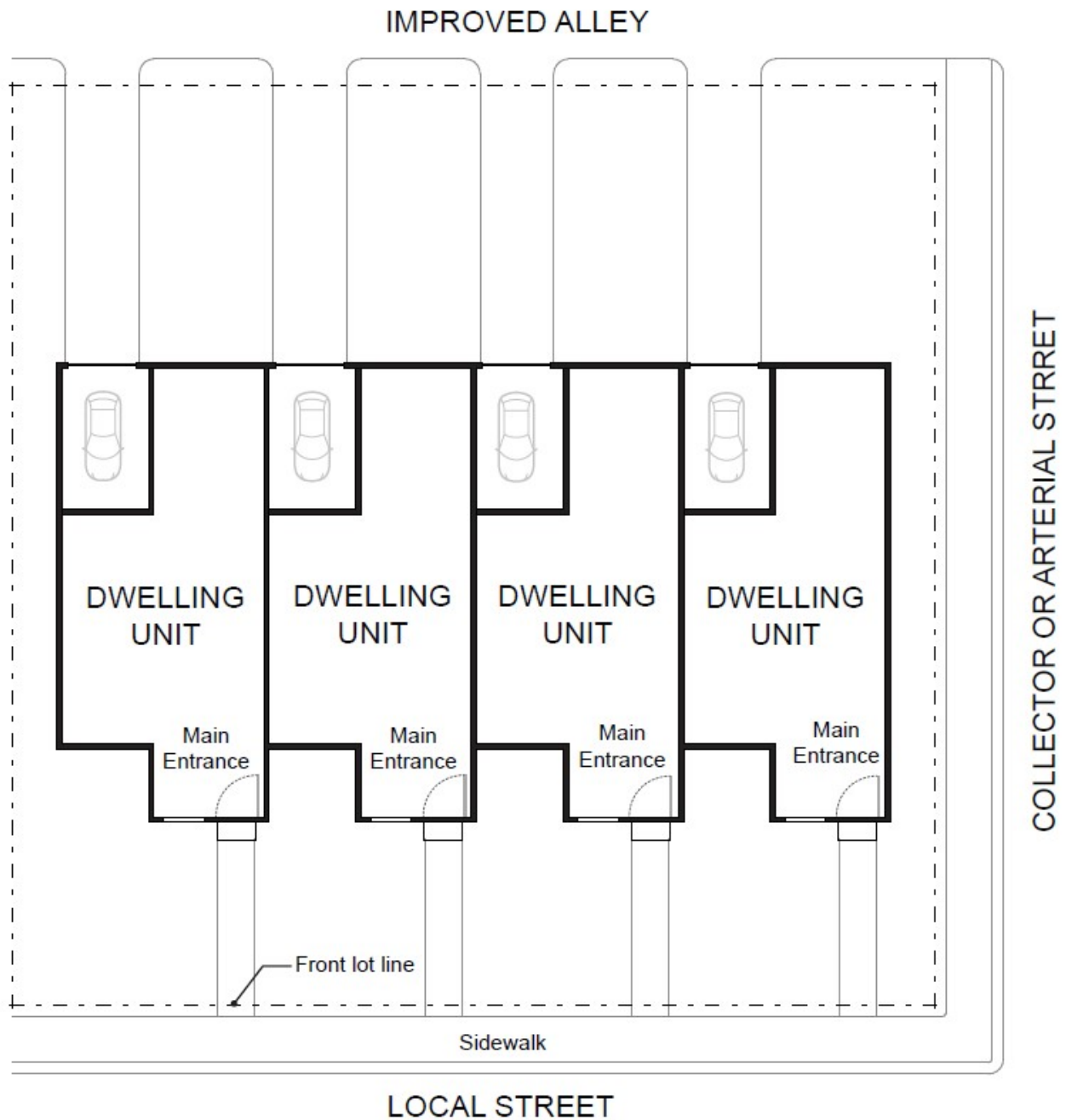
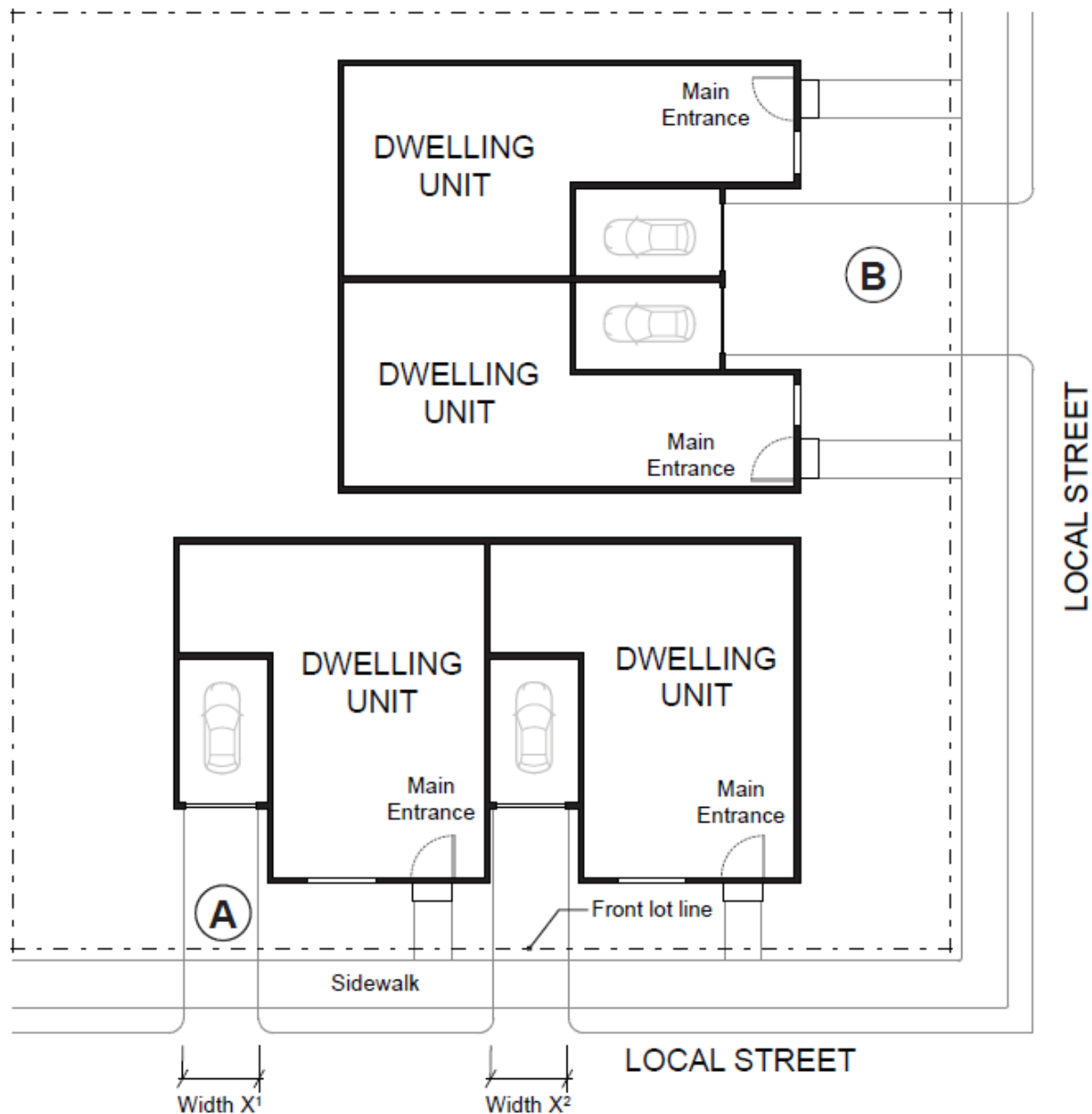


Figure 9.5550(4)(b)5.b.(2) Triplex/Fourplex Driveway Approach Options for Multiple Local Street Frontages

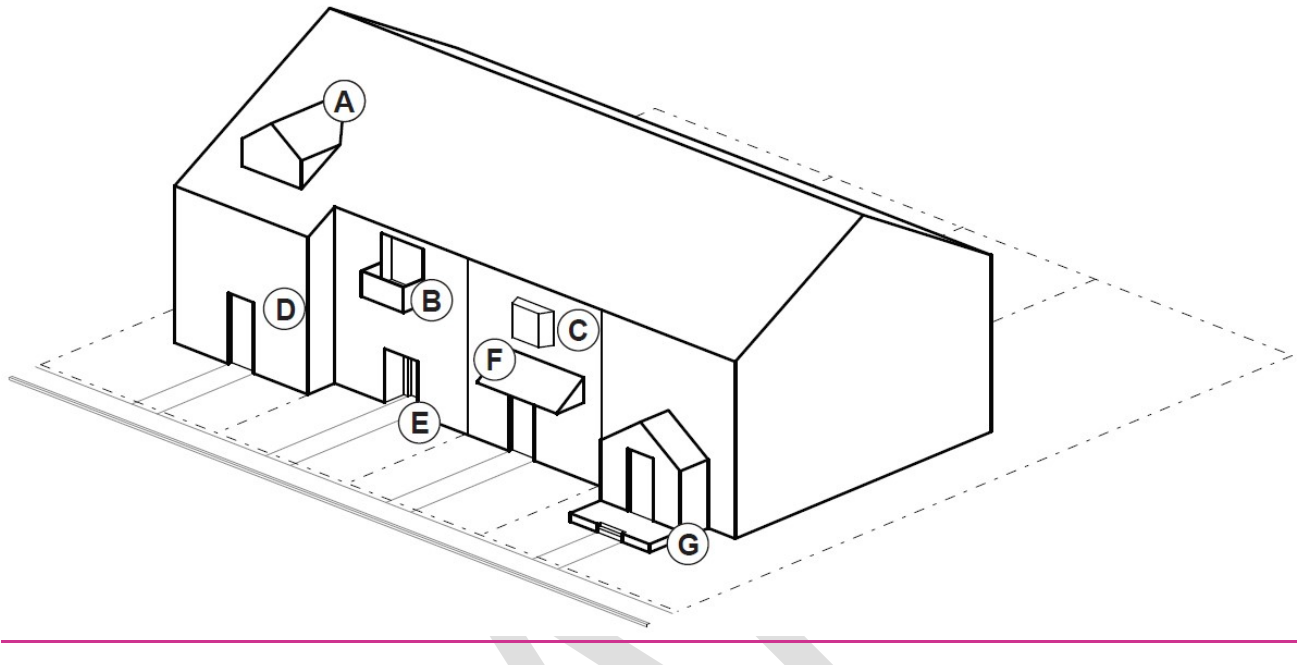


Options for site with more than one frontage on local streets:

- A** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X1 + X2$); or
- B** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

Figure 9.5550(5)(b). Townhouse Unit Features



- (A)** Roof dormer, minimum of 4 feet wide
- (B)** Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C)** Bay window extending minimum of 2 feet from facade
- (D)** Facade offset, minimum of 2 feet deep
- (E)** Recessed entryway, minimum 3 feet deep
- (F)** Covered entryway, minimum of 4 feet deep
- (G)** Porch, meets standards of subsection 9.5550(4)(a)3.c.

Figure 9.5550(5)(c)2. Townhouses with Parking in Front Yard

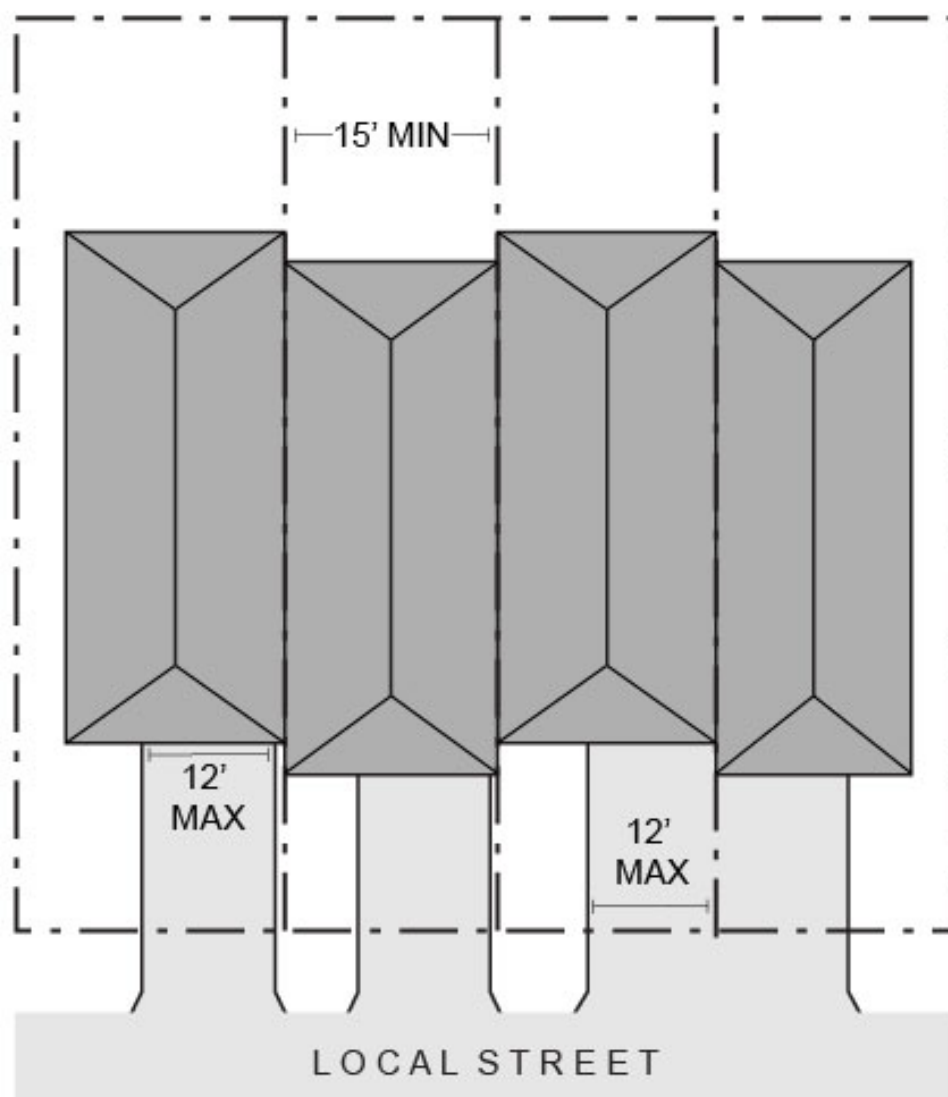


Figure 9.5550(5)(c)3.b. Townhouses on Corner Lot with Shared Access

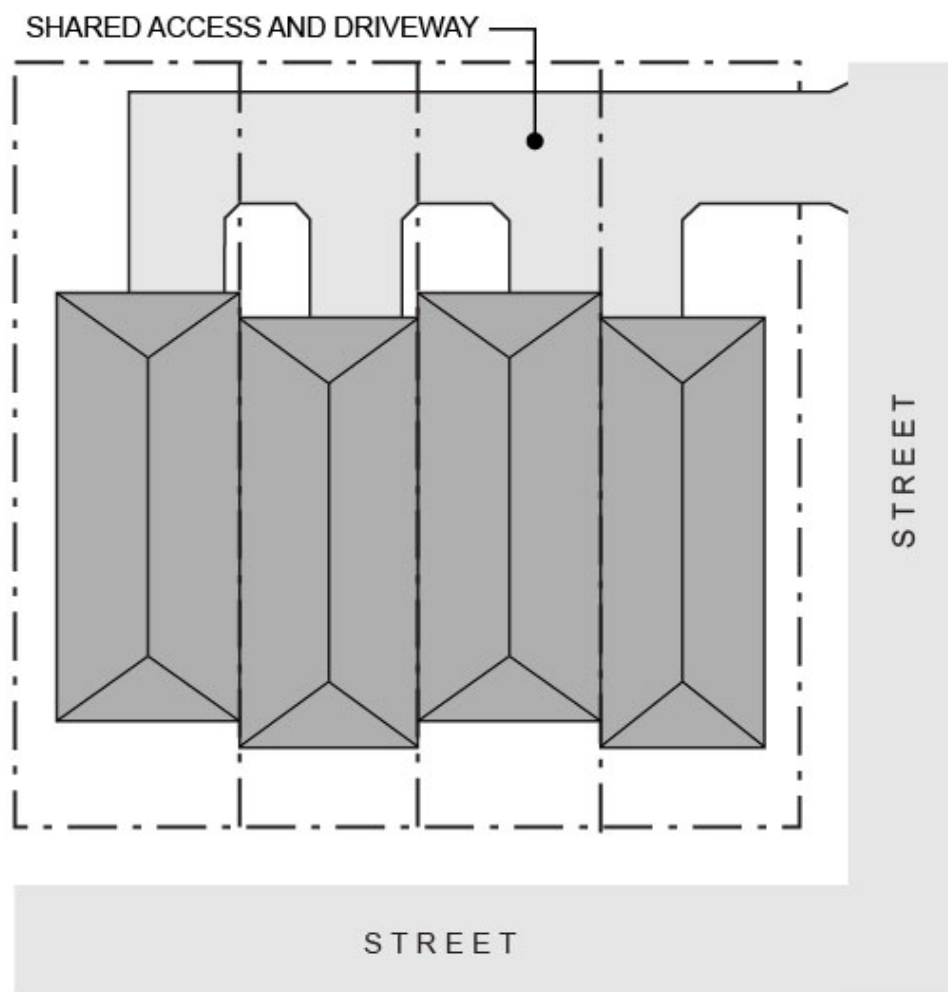


Figure 9.5550(5)(c)3.c. Townhouses with Consolidated Access

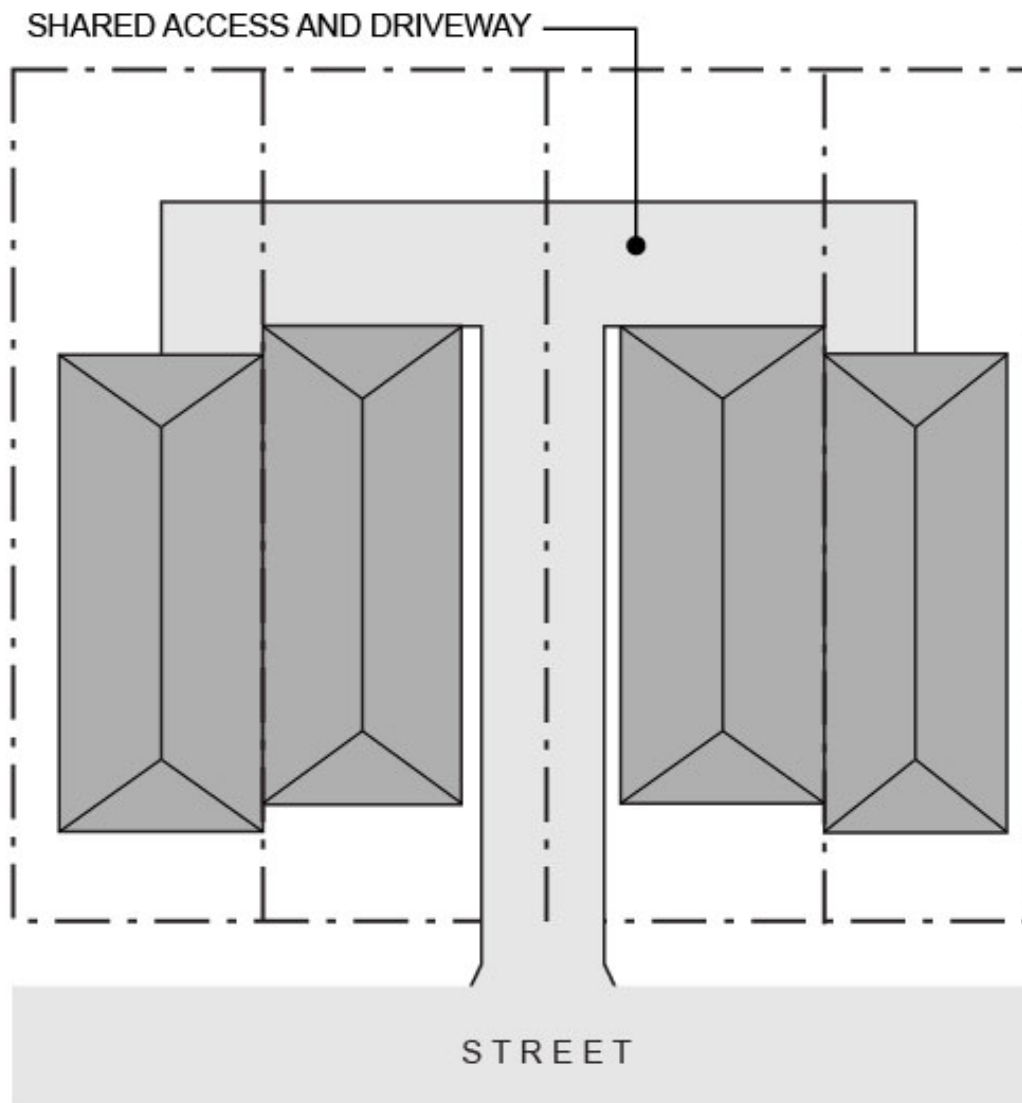
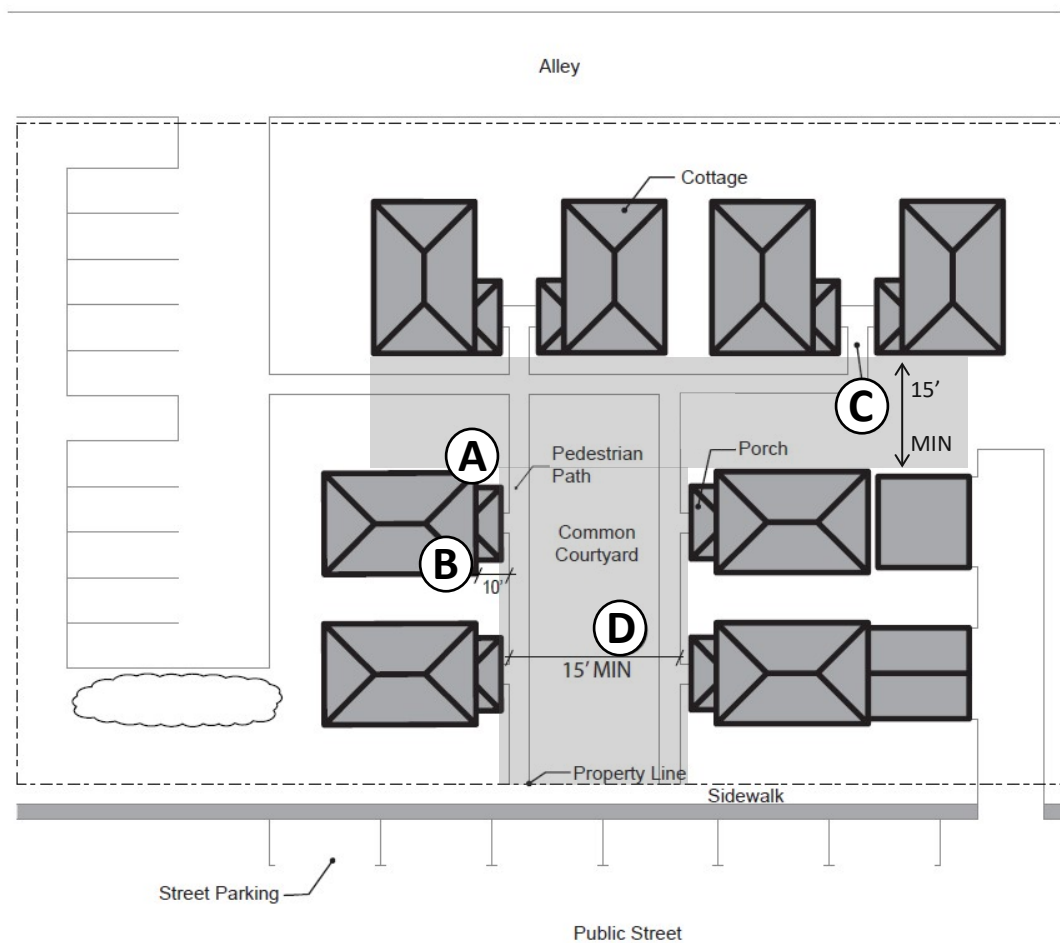
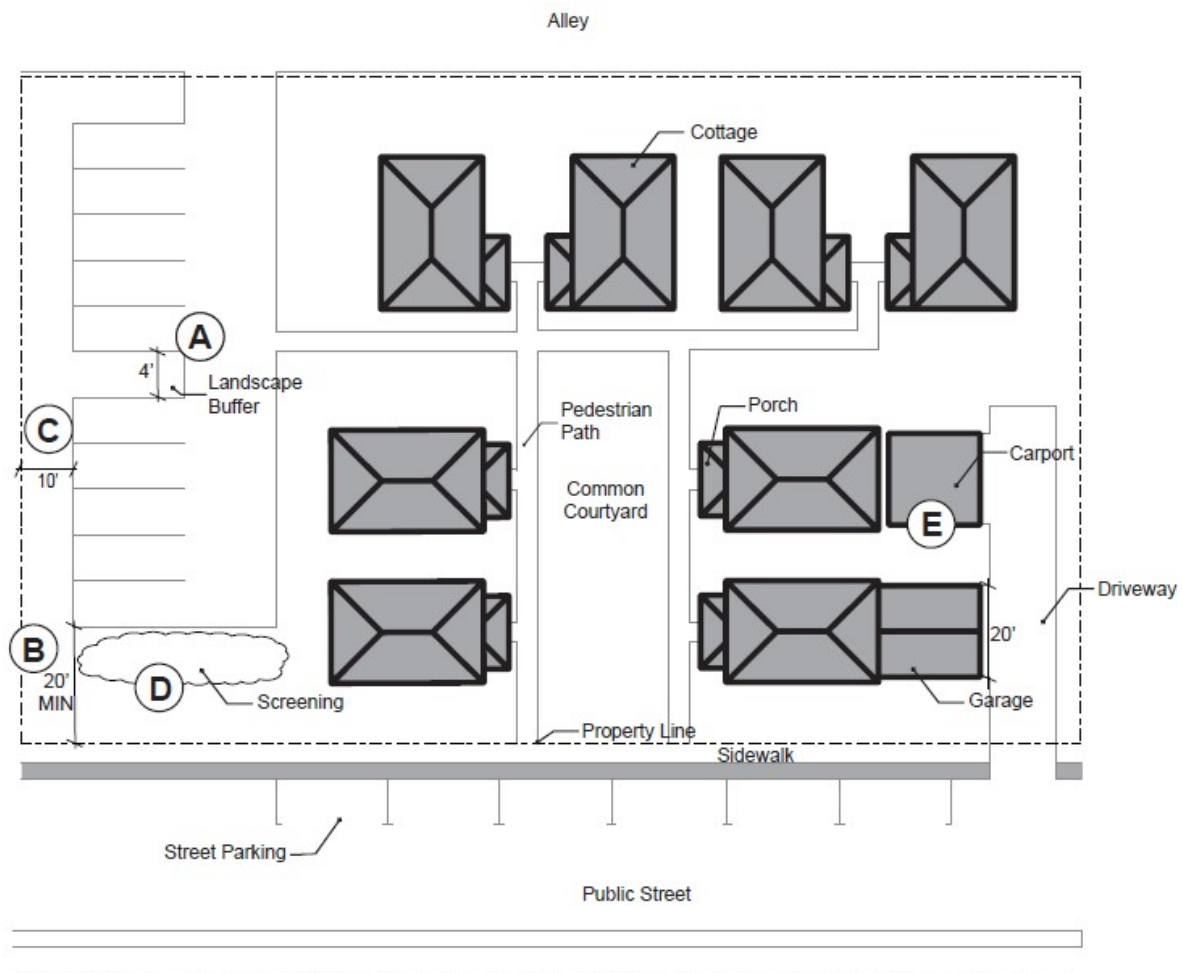


Figure 9.5550(6)(b)-(c). Cottage Cluster Orientation and Common Courtyard Standards

- (A)** A minimum of 50% of cottages must have a main entrance facing the courtyard
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** The common courtyard must be at least 15 feet wide at its narrowest width.

Figure 9.5550(6)(f). Cottage Cluster Parking Design Standards

- (A)** Parking allowed in clusters of up to 5 spaces (8 spaces for larger projects). Clusters separated by minimum 4 feet of landscaping.
- (B)** Parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street other than an alley.
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Bicycle Parking Standards

* * *

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
* * *		
Residential		
<u>One-Family Single Detached Dwelling</u>	– 0 –	NA
Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)	– 0 –	NA
<u>Middle Housing 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>	– 0 –	NA
Duplex (Two-Family attached on same lot)	– 0 –	NA
Triplex (Three-Family attached on same lot)	1 per dwelling.	100 % long-term

**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
Four Plexes (Four Family attached on same lot)	1 per dwelling.	100% long-term
Multiple Family <u>Unit Dwelling</u> (3 <u>5</u> or more dwellings on same lot)	1 per dwelling.	100% long term
Manufactured Home Park	– 0 –	NA
Controlled Income and Rent Housing where density is above that usually permitted in the zoning yet not to exceed 150%	1 per dwelling.	100% long term
* * *		

* * *

Motor Vehicle Parking and Loading Standards

* * *

9.6410 Motor Vehicle Parking Standards.

* * *

**Table 9.6410 Required Off-Street
Motor Vehicle Parking**

Uses	Minimum Number of Required Off- Street Parking Spaces
* * *	
Residential	
Dwelling	

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
One-Family <u>Single Detached</u> Dwelling	1 per dwelling.
One-Family <u>Single Detached</u> Dwelling – Flag Lot	2 per dwelling.
Secondary Dwelling (Either attached or detached from primary one-family <u>single detached</u> dwelling on same lot)	0
Rowhouse-Townhouse (One-Family on own lot attached or adjacent residence on separate lot with garage or carport access to the rear of the lot)(see (6) below)	1 per dwelling.
Duplex (Two-Family attached on same lot)(see (6) below)	1 per dwelling.
Triplex (Three-Family attached on same lot)(see (6) below)	1 per dwelling. <u>Lots under 3,000 square feet: 1 space per lot.</u> <u>Lots 3,000 square feet to 4,999 square feet: 2 spaces per lot.</u> <u>Lots 5,000 square feet and over: 3 spaces per lot.</u>
Four-Plex (Four-Family attached on same lot) (see (6) below)	1 per dwelling. <u>Lots 3,000 square feet to 4,999 square feet: 2 spaces per lot.</u> <u>Lots 5,000 square feet to 6,999 square feet: 3 spaces per lot.</u> <u>Lots 7,000 square feet and over: 4 spaces per lot.</u>
<u>Cottage Cluster (see (6) below)</u>	<u>1 per dwelling.</u>
Multiple-Family Unit (3 or more dwellings on same lot) not specifically addressed elsewhere in this Table.	1 per dwelling
Multiple-Family Unit in the R-3 and R-4 zones within the boundaries of the City recognized West	1 space for each studio, 1 bedroom or 2 bedroom dwelling

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
University Neighbors and South University Neighborhood Association	1.5 spaces for each 3 bedroom dwelling* *.5 spaces required for each additional bedroom beyond a 3 bedroom dwelling. Fractions of .5 or more are rounded up to the next whole number. Rounding shall occur after the total number of minimum spaces is calculated for the multi-family development. One tandem space shall be counted as two parking spaces. Tandem spaces shall not be allowed for studio or 1- or 2-bedroom dwellings.
Multiple-Family Unit Subsidized Low-Income Housing in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Family Unit Subsidized Low-Income Senior Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Family Unit Subsidized Low-Income Disabled Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Family Unit Subsidized Low-Income Senior Housing Partial in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Family Unit Subsidized Low-Income Specialized Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Manufactured Home Park	1 per dwelling.
Controlled Income and Rent Housing (CIR) where density is above that usually permitted in the zoning, yet not to exceed 150%	1 per dwelling.
* * *	

* * *

(5) Special Standards for Table 9.6410. For Multiple-Family Unit Subsidized Low-Income Housing, Subsidized Low-Income Senior Housing, Subsidized Low-Income Senior Housing Partial, and Subsidized Low-Income Specialized Housing, the following standards apply:

* * *

(6) Special Standards for Middle Housing.

(a) On-Street Parking Credit.

1. A credit for on-street parking shall be granted as provided in subsection 2 of this section.

2. If on-street parking spaces meet all the standards in subparagraphs a – d below, they shall be counted toward the minimum off-street parking requirement.

a. At least a portion of the space is abutting the Middle Housing development site. If two Middle Housing development sites abut a space, both sites may count the space toward their respective requirements.

b. The space is in a location where on-street parking is permitted by the City of Eugene.

c. The space must be a minimum of 22 feet long.

d. The space must not obstruct a required Vision Clearance Area.

3. The portion of a street abutting a Middle Housing development site is not eligible to support on-street parking credits if:

a. The portion of the street abutting a Middle Housing development does not meet the paving width standards in EC 9.6870 and is not maintained by the City of Eugene or a City of Eugene right-of-way; or

b. The portion of the street abutting a Middle Housing development is subject to metered or timed parking restrictions imposed by the City of Eugene, other than residential parking permit programs.

(b) Proximity to Transit. Zero off-street parking spaces are required for middle housing development sites within 0.25 miles of a frequent transit route shown in Figure 9.0500.

(c) Reduced Parking for Small Dwelling Units. For each middle housing dwelling unit with a dwelling size less than 900 square feet in area, the minimum off-street parking requirement shall be zero (0) spaces per unit. For the purposes of this subparagraph,

“dwelling size” means the total square footage of a dwellings unit in a duplex, triplex, fourplex, townhouse, or cottage cluster using the method for measuring dwelling unit size at EC 9.2751(1)(b)6.

(d) *Conversions.* No additional parking spaces shall be required for a duplex, triplex, or fourplex created through the conversion of, or addition to, an existing single detached dwelling.

* * *

9.6420 Parking Area Standards.

* * *

(3) *Landscape Standards.*

(a) *Applicability of Parking Area Landscape Standards.*

1. *General Provisions.* Subject to any exceptions therein, the standards in subparagraphs (b) – (e) apply to all parking areas, including carports, that provide for 3 or more spaces except for the following:

- a. A parking area for a ~~one-family~~single detached dwelling, accessory dwelling, ~~duplex,~~ or middle housing rowhouse.
- b. A structured parking area. See subsection [\(3\)\(f\)](#).
- c. A legal non-conforming parking area. See subsection [\(3\)\(a\)\(2\)](#).

* * *

Site Development Standards

* * *

9.6703 Driveways and Internal Circulation.

* * *

(2) If eight or more ~~single-family detached or duplex dwellings-lots~~ will share one access connection, the driveway shall be designed and constructed as a private street in accordance with EC [9.6875](#).

* * *

9.6730 Pedestrian Circulation On-Site.

* * *

(2) *Applicability of Standards.* As more specifically provided in this section, the standards in this section apply to any development that creates a new building entrance, but not to a building alteration or change in use.

* * *

(c) In all zones, on-site pedestrian paths shall be constructed within new multiple-family unit residential developments with 35 or more units to insure that access is provided:

* * *

9.6740 Recycling and Garbage Screening.

Except for ~~one and two family dwellings~~ single detached dwellings, accessory dwelling units and middle housing, outdoor storage areas and refuse collection areas within or adjacent to vehicular use areas shall be screened on all sides so that materials stored within these areas are obscured from streets, accessways, or adjacent properties.

* * *

9.6745 Setbacks – Intrusions Permitted.

* * *

(7) *Parking Spaces in Required Setbacks.*

(a) Except as provided in EC 9.2751(15) 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 single detached dwelling, accessory dwelling, or duplex, provided the parking spaces are located on driveways.

* * *

9.6775 Underground Utilities.

(1) *Exemptions from Underground Utility Standards.* The following are exempt from the undergrounding requirement of this section:

- (a) Temporary uses on a development site.
- (b) New utility connections to structures or buildings with legally established above ground utility service.
- (c) Accessory 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 without required addition of above ground utility owned structures.

(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 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.

* * *

Tree Preservation and Removal Standards

* * *

9.6885 Tree Preservation and Removal Standards.

(1) *Exemptions from Standards.* The standards in this section do not apply to activities regulated under EC [9.4900](#) through [9.4980](#), or an application for development activity that includes or will result in:

(a) *Residential Lots Under 20,000 Square Feet.* Removal of significant trees from a parcel of property not subject to the provisions of subsection [\(c\)](#) of this section with an area of less than 20,000 square feet when:

1. Such parcel is occupied by a ~~one-family~~[single detached](#) dwelling, accessory dwelling, or ~~duplex~~[middle housing](#);
2. An application to construct a ~~one-family~~[single detached](#) dwelling, accessory dwelling, or ~~duplex~~[middle housing](#) on such lot is being reviewed by the city. However, no significant trees may be removed prior to the approval of the development permit; or
3. The city has entered into an agreement authorizing the start of construction for a ~~one-family~~[single detached](#) dwelling, accessory dwelling, or ~~duplex~~[middle housing](#).

(b) *Lots 20,000 Square Feet or Larger.* Removal of up to 5 significant trees within a period of 12 consecutive months from a parcel of property not subject to the provisions of subsection [\(c\)](#) of this section consisting of 20,000 or more square feet of area;

* * *

Application Procedures - General

9.7000 Introduction.

Review of an application to annex property, divide land, develop or use property, or amend this land use code, the comprehensive plan, or a refinement plan, shall be processed as provided in sections [9.7000](#) through ~~9.78359~~[.7930](#).

* * *

9.7015 Application Completeness Review.

~~Except as provided in EC 9.7905, t~~The city shall review an application, other than an [application for a final plat for a middle housing land division](#), partition, or subdivision ~~final plat~~, and, within

30 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:

- (1) Upon receipt of all of the missing information requested by the city; or
- (2) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or
- (3) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided.

On the 181st day after being first submitted, the application will be void if the applicant has been notified of the missing information and has not complied with [\(1\)](#), [\(2\)](#), or [\(3\)](#) of this section.

9.7020 Extension of Time Limit Restrictions.

(1) Except as provided in subsection (2) of this section, upon the written request of the applicant submitted to the planning director, any applicable time limits may be extended for a specified period of time, but in no case may the total of all extensions exceed 245 days.

(2) Prior to expiration of the time period identified in EC 9.7915, the city council may, at a regularly scheduled meeting, extend the time period for the planning director's decision on an Expedited Land Division application or Middle Housing Land Division application to a date certain that is no more than 120 days from the date the application was deemed complete pursuant to EC 9.7905. The city council's decision to extend the time period in EC 9.7915 must be based on a finding that an unexpected or extraordinary increase in applications makes a decision within the time period identified in EC 9.7915 impracticable. The city shall mail notice of the meeting at which the city council will consider extending the time for the planning director's decision on an Expedited Land Division application or Middle Housing Land Division application to the applicant at least ten days in advance of the meeting. The city council's decision under this subsection (2) is not a land use decision or a limited land use decision.

9.7025 Performance Agreements.

(1) *Applicability.* The city shall require execution of a performance agreement by the applicant for all of the following types of applications:

- (a) Conditional use permit and any modifications.
- (b) Design review.
- (c) Historic property alteration and any modifications.
- (d) Middle housing land divisions described in EC 9.8192(2)(a).
- (e) Planned unit development, final plan and any modifications.
- (f) Site review and any modifications.
- (g) Subdivisions final plat and any modifications.
- (h) Standards review and any modifications.

* * *

9.7030 Recordation of Certain City Decisions.

After a decision becomes final at the local level, the city shall record at Lane County Deeds and Records a notice of a decision concerning property that is the subject of the following types of applications:

- (1) Conditional use permit and any modifications.
- (2) Design Review.
- (3) Historic landmark, designation.
- (4) Historic property, alteration.
- (5) Middle Housing Land Division.
- (6) Planned unit development, final plan and any modifications.
- (7) Property line adjustment.
- (8) Site review and any modifications.

(98) Variances.

(109) Willamette Greenway permit and any modifications.

(110) Zone change.

(124) Vacations.

9.7055 Applications and Review Authorities.

Table 9.7055 Applications and Review Authorities, lists applications and the typical review authorities for the decision and the appeal of the decision. To accommodate a request for concurrent review, the city may instead review multiple applications according to the highest applicable type:

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Adjustment Review						
– Minor	II	D	A			
– Major	II	D			A	
Annexations (See EC 9.7800)						D
Cluster Subdivision	II	D	A			
Code Amendment	V				R	D
Conditional Use Permit	III		D		A	
Conditional Use Permit, Modification	II	D	A			
Design Review	II	D	A			
Design Review, Modification	II	D	A			

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Envision Eugene Comprehensive Plan Amendment	IV or V				R	D
Expedited Land Division	N/A (See 9.7900)	D	A			
Extra-Territorial Extension of Water or Sewer Service						D
Hazardous Materials Review	II	D	A			
Historic Landmark (Local):						
– Designation	III			D	A	
– Removal of Designation	I	D				
Historic Property:						
– Alteration	II	D		A		
– Demolition	II	D		A		
– Moving	II	D		A		
Metro Plan Amendment	N/A (See EC 9.7700)				R	D
Middle Housing Land Division	N/A (See 9.7900)	D	A			
Partition:						
– Tentative Plan	II	D	A			
– Final Plat	I	D				

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Planned Unit Development:						
– PUD Tentative Plan	III		D		A	
– PUD Final Plan	II	D	A			
– PUD Modification	II	D	A			
Property Line Adjustment	I	D				
Refinement Plan Amendment	IV or V				R	D
Site Review	II	D	A			
Site Review, Modification	II	D	A			
Standards Review	II	D	A			
Street Name Change	IV				R	D
Subdivision:						
– Tentative Plan	II	D	A			
– Final Plat	I	D				
Temporary Manufactured Dwelling Hardship Permit	I	D				
Temporary Manufactured Dwelling Hardship Permit, Renewal	I	D				
Traffic Impact Analysis Review	II	D	A			

Table 9.7055 Applications and Review Authorities R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Vacations:						
– Unimproved Easement	I	D				
– Undeveloped Plat						D
– Unimproved Public Right – of-way, Improved Public Easements	II	D	A			
– Vacation and Re-dedication of Unimproved Public Right-of-way	II	D	A			
– Vacation of Improved Public Right-of-way, and vacation of any public way acquired with public funds						D
Variance	II	D	A			
/WQ Water Quality Overlay Zone – Map or Zone Error (See EC 9.4786	II	D	A			
/WR Water Resources Conservation Overlay Zone – Map or Zone Error (See EC 9.4960)	I or II	D	A			

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Willamette Greenway Permit	III		D		A	
Willamette Greenway Permit, Modification	II	D	A			
Zone Change	III		D		A	
Zone Change, concurrent with a refinement plan, land use code, Envision Eugene Comprehensive Plan or Metro Plan amendment shall follow applicable procedure for each type of amendment.						

9.7230 Expiration.

(1) The planning director's approval of an application shall expire in 12 months, 18 months, or 36 months from the effective date of approval, depending upon the type of land use application as specified in Table 9.7230 Expiration of Type II Application Approvals, or as provided in subsections (2) through (9) of this section. If an application approval has expired according to any of the conditions stated in subsections (2) through (9), the original application approval is revoked and a new application must be filed.

Table 9.7230 Expiration of Type II Application Approvals			
Application	12 months	18 months	36 months
Adjustment Review		X	
Conditional Use Permit, Modification		X	

Table 9.7230 Expiration of Type II Application Approvals			
Application	12 months	18 months	36 months
Design Review			X
Design Review, Modification			X
Historic Property, Alteration		X	
<u>Middle Housing Land Division, Tentative Plan</u>			<u>X</u>
Partition:			
– Tentative Plan		X	
Planned Unit Development, Final			X
Planned Unit Development, Modification			X
Site Review		X	
Site Review, Modification		X	
Standards Review		X	
Standards Review, Modification		X	
Subdivision:			
– Tentative Plan			X
Traffic Impact Analysis Review		X	
Variance		X	

* * *

(10) Approval of a middle housing land division tentative plan shall be effective for 36 months after the effective date of approval. Within that time, any conditions of approval shall be fulfilled and the final plat, as approved by the city, shall be recorded by the applicant at Lane County Deeds and Records.

* * *

Appeal of Planning Director's Decision

9.7600 General Overview of Appeal Procedures.

These appeal procedures in EC 9.7605 through EC 9.7635 apply to appeals of interpretations of this land use code made according to EC 9.0040(1) and to appeals to all Type II land use

applications. The appeal procedures in EC 9.7640 through EC 9.7665 apply to appeals of decisions made pursuant to EC 9.7915. The appeal of the planning director's decision provides for a review of an administrative decision by a higher review authority specified in this land use code. The planning director's decision may be affirmed, reversed, or modified.

9.7640 Filing of Appeal of Planning Director's Decision on Expedited Land Division or Middle Housing Land Division Application.

(1) Within 14 days of the date of the mailing of notice of the planning director's decision on an Expedited Land Division application or a Middle Housing Land Division application, the decision may be appealed to the hearings official by:

(a) The applicant.

(b) Any group or individual who submitted written comments during the 14-day comment period identified in the notice mailed pursuant to EC 9.7910.

(2) The appeal shall be submitted on a form approved by the city manager, be accompanied by a deposit for costs established by the city manager pursuant to EC 2.020 City Manager – Authority to Set Fees and Charges and be received by the city no later than 5:00 p.m. on the 14th day after the notice of decision is mailed. The record from the planning director's proceeding shall be forwarded to the hearings official. New evidence shall be accepted.

(3) The appeal shall include a statement of issues on appeal. The appeal statement shall explain specifically how:

(a) The Planning Director's decision violates the substantive provisions of land use regulations applicable to the application;

(b) The Planning Director's decision is unconstitutional;

(c) The application is not eligible for review under the procedures at EC 9.7900 through 9.7925; or

(d) The parties' substantive rights have been substantially prejudiced by an error in procedure made by the city.

9.7645 Notice of Appeal Procedure.

(1) Within seven days of the date an appeal pursuant to EC 9.7640 is filed, city staff, on behalf of the hearings official, shall mail written notice of the appeal to all of the following:

(a) Applicant.

(b) Owner of the subject property.

(c) The Planning Director.

(d) Appellant.

(e) Any person or organization entitled to notice under EC 9.7910 that provided written comments prior to the close of the public comment period identified in the notice mailed pursuant to EC 9.7910.

(f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.

(2) The notice shall include all of the following:

(a) The street address or other easily understood geographical reference to the subject property.

(b) The applicable criteria for the decision, listed by commonly used citation.

(c) The nature of the application and the proposed use or uses which could be authorized.

(d) An explanation of the requirements for submission of testimony and appeal procedures.

(e) A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and that copies can be obtained at cost.

(f) The name and telephone number of a city contact person.

(g) A statement that a person or organization that provided written comments to the planning director prior to the close of the public comment period identified in EC 9.7910, but did not file an appeal within the time set by EC 9.7640, may participate in the appeal only with respect to the issues raised in the written comments submitted to the planning director by that person or organization.

9.7655 Appeal Procedure.

- (1) Only written evidence and argument will be accepted.
- (2) The hearings official may use any appeal procedure that is consistent with the interests of the parties and will ensure a fair opportunity to present information and argument.
- (3) The hearings official shall provide the city an opportunity to explain the planning director's decision, but the hearings official is not limited to reviewing the planning director's decision and may consider information not presented to the planning director.
- (4) A person or organization that provided written comments to the planning director prior to the close of the public comment period identified in EC 9.7910, but did not file an appeal within the time set by EC 9.7640, may participate in the appeal only with respect to the issues raised in the written comments submitted to the planning director by that person or organization.

9.7660 Decision.

- (1) The hearings official shall issue a written decision on an appeal of an Expedited Land Division application or a Middle Housing Land Division application within 42 days of the date the appeal is received by the city.
- (2) Except as provided in subsection (5) the hearings official shall affirm, reverse, or modify the decision of the planning director. Before reversing or modifying the planning director's decision, the hearings official shall make findings and conclusions clearly stating how the planning director failed to properly evaluate the application or make a decision consistent with applicable criteria. The hearings official shall seek to identify means by which the application can satisfy the applicable approval criteria.
- (3) The decision of the hearings official is final.
- (4) The hearings official's decision is not a land use decision or limited land use decision.
- (5) If the hearings official finds that the application does not qualify as an Expedited Land Division application or a Middle Housing Land Division application, the hearings official shall remand the application to the appropriate initial decisionmaker for consideration as a land use application or limited land use application.
- (6) The hearings official's decision may not reduce the density of an Expedited Land Division application.
- (7) The hearings official shall assess the costs of the appeal as follows:

(a) If the hearings official's decision materially improves the appellant's position in comparison to the planning director's decision, the hearings official shall order the city to refund the deposit for costs required by EC 9.7640(2) to the appellant.

(b) If the hearings official's decision does not materially improve the appellant's position in comparison to the planning director's decision, the hearings official shall order the appellant to pay to the city the costs of the appeal that exceed deposit required by EC 9.7640(2), up to a maximum of \$500.

(8) As used in subsection (7), "costs of the appeal" include the compensation paid the hearings official and other costs incurred by the city, but not the costs incurred by other parties.

9.7665 Notice of Decision.

(1) Within 5 days after the date of the hearings official's decision on the appeal of an Expedited Land Division application or a Middle Housing Land Division application, notice of the decision shall be mailed to all of the following:

(a) Applicant.

(b) Appellant.

(c) Any person who provided oral or written testimony in a timely manner during the appeal.

(e) Any person who requested notice of the appeal decision.

(2) The notice shall:

(a) Summarize the decision of the hearings official.

(b) Explain the appeal rights.

(3) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

Expedited Land Division/Middle Housing Land Division Application Procedures

9.7900 General Overview of Expedited Land Division/Middle Housing Land Division Application Procedures.

The Expedited Land Division/Middle Housing Land Division review process provides for review by the planning director of an application based on provisions specified in this land use code. The application process includes notice to nearby occupants and property owners to allow for public comments prior to the planning director's decision.

9.7905 Expedited Land Division/Middle Housing Land Division Application Completeness.

(1) The city shall review an application for an Expedited Land Division or Middle Housing Land Division, and, within 21 days of its receipt, notify the applicant as to whether the application is complete. If the city determines that the application contains sufficient information for review, the city shall advise the applicant in writing that the application is deemed complete and begin the application review process. If the city determines that the application is incomplete, the city shall advise the applicant in writing of the necessary missing information. The city shall begin review of the application either:

(a) Upon receipt of all of the missing information requested by the city; or

(b) Upon receipt of some of the missing information and a written statement from the applicant indicating that none of the other missing information will be provided; or

(c) Upon receipt of a written statement from the applicant indicating that none of the missing information will be provided.

(2) If the application was complete when first submitted or the applicant submits the missing information identified by the city within 180 days of the date the application was first submitted, approval or denial of the application will be based on the standards and criteria that were applicable at the time the application was first submitted.

9.7910 Notice of Application.

(1) Within 10 days of the city's determination that an application is complete, but at least 20 days before the planning director makes a decision, written notice of the application shall be mailed to all of the following, using information from the most recent property tax assessment roll:

- (a) Applicant.
- (b) Owners and occupants of the subject property.
- (c) Owners and occupants of properties located within 100 feet of the perimeter of the subject property.
- (d) Neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.
- (e) Community organizations that have submitted written requests for notification.
- (f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.

(2) The notice shall include all of the following:

- (a) The street address or other easily understood geographical reference to the subject property.
- (b) The applicable criteria for the decision, listed by commonly used citation.
- (c) The place, date, and time that comments are due.
- (d) A statement that copies of all evidence relied upon by the applicant are available for review and can be obtained at cost.
- (e) A statement that issues that may provide the basis for an appeal to the hearings official must be raised in writing prior to the end of the comment period and with sufficient specificity to enable the hearings official to respond to the issue.
- (f) The name and phone number of a city contact person.
- (g) A brief summary of the local decision-making process for the decision being made.

(3) The notice shall allow a 14-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the city within that 14-day period.

(4) Responsibility and procedures for mailing and posting the notices described in this section may be established by administrative rule of the city manager adopted pursuant to section 2.019 of this code.

9.7915 Decision.

Within 58 days of the city's determination that an application is complete, the planning director shall approve, conditionally approve, or deny an Expedited Land Division or Middle Housing Land Division application. The decision shall: include a brief statement that explains the criteria and standards considered relevant to the decision; state the facts relied upon in rendering the decision; and explain the justification for the decision based upon the criteria, standards and facts set forth. The planning director's decision on an application for an Expedited Land Division or Middle Housing Land Division is not a land use decision or limited land use decision.

9.7920 Notice of Decision.

(1) Within 5 days after the planning director renders a decision, notice of the decision shall be mailed to the following:

- (a) Applicant.
- (b) Owner and occupants of the subject property.
- (c) Owners and occupants of properties located within 100 feet of the perimeter of the subject property.
- (d) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
- (e) Community organizations that have submitted written requests for notification.
- (f) Any state agency, local government or special district responsible for providing public facilities or services to the subject property.
- (g) Any group or individual who submitted written comments during the comment period.
- (h) Those groups or individuals who requested notice of the decision.

(2) The notice shall include all of the following:

- (a) A description of the nature of the decision of the planning director.

(b) An explanation of the nature of the application and the proposed use or uses which could be authorized.

(c) The street address or other easily understood geographical reference to the subject property.

(d) The name of a city representative to contact and the telephone number where additional information may be obtained.

(e) A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(f) A statement that the applicant and any person or organization that submitted written comments during the comment period may appeal as provided in EC 9.7605.

(g) A statement that the planning director's decision will not become final until the period for filing a local appeal has expired.

(h) An explanation that a person who is mailed written notice of the planning director's decision cannot appeal directly to LUBA.

(3) Responsibility and procedures for mailing the notice described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

(4) Unless appealed according to the procedures in EC 9.7605 Filing of Appeal of Planning Director's Decision, the planning director's decision is effective on the 15th day after notice of the decision is mailed.

9.7925 Approved Site Plans.

The applicant shall provide the city with 4 copies of site plans that meet the conditions of approval of the planning director's decision.

Application Requirements and Criteria

9.8005 Applicability and Effect of Application Requirements, Criteria, and Concurrent Review.

(1) Additional provisions addressing the applicability of sections [9.8000](#) through [9.8865](#) are found in EC [9.2000](#) through [9.3980](#), which identify various uses that require approval of a particular land use application. Land use applications referred to in EC [9.8000](#) through [9.8865](#) are subject to the procedural requirements in EC [9.7000](#) through ~~[9.79309.7835](#)~~, Application Procedures, and any additional requirements of EC [9.8000](#) through [9.8865](#). To the extent there is a conflict, the provisions in EC [9.8000](#) through [9.8865](#) control.

* * *

Adjustment Review

9.8015 Adjustment Review – Purpose.

The adjustment review process is intended to:

- (1) Encourage design proposals that respond to the intent of the code and creatively meet or exceed the specific development standards.
- (2) Allow adjustment to the development standards in an efficient and effective manner.

* * *

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:

* * *

(37) *Middle Housing Standards Adjustment.* Where EC 9.5550 provides that standards applicable to triplexes, fourplexes, townhouses, or cottage clusters may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following, as applicable:

(a) *Entry Orientation.* The requirements set forth in EC 9.5550(4)(c) and 9.5550(5)(d)1. may be adjusted if the proposal creates building orientations and entrances that achieve all of the following:

1. Enhance public safety for residents and visitors and provide opportunities for community interaction;
2. Ensure that the main entrance is visible or clearly identifiable from the street or from common open spaces by its orientation or articulation; and
3. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.

(b) *Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes.* The requirements set forth in EC 9.5550(4)(a) and (b) may be adjusted if the proposal achieves the following:

1. Supports a pedestrian-friendly street environment by minimizing the visual and safety impacts of garages, parking areas, and vehicle circulation areas.
2. Consistency with EC 9.8030(28).

(c) *Townhouse Unit Features.* The requirements set forth in EC 9.5550(5)(a) may be adjusted if the proposed building design:

1. Utilizes architectural masses, features or details to distinguish elements of the building.
2. Defines entryways in appropriate scales.

(d) *Townhouse Driveway Access and Parking.* The requirements set forth in EC 9.5550(6)(b) may be adjusted if the proposal achieves the following:

1. Supports a pedestrian-friendly street environment by minimizing the visual and safety impacts of garages, parking areas, and vehicle circulation areas.

(e) *General Standards for Cottage Clusters.* The requirements set forth in EC 9.5550(6)(a) may be adjusted if the proposal achieves an equivalent or higher quality design in all of the following:

1. Promotes quality development; design elements for this purpose may include the use of durable, high quality materials, architectural detail and craftsmanship, sustainable building design features, enhanced landscaping and user amenities;
2. Provides a sense of openness and community for residents; including but not limited to abundant and highly functional common open space that is easily accessible and viewable from individual units through abundant windows and porches;
3. Enhances the livability, walkability, and safety of the community; including but not limited to enhanced lighting design, easily accessible connectivity to neighborhood amenities;
4. Promotes compatibility with adjacent properties and neighborhood context, through the scale of buildings and of the overall development pattern, through design elements that may include privacy screening and thoughtful window placement, enhanced landscape buffers and frontages that are supportive of an active, walkable, and neighborly streetscape;
5. A single cottage cluster shall contain a maximum of 12 cottages; cottage clusters over 8 units shall make use of design elements that enhance the common open space and provide the connectivity and access to shared amenities consistent with the intent of openness and community for residents;
6. Accessory buildings must not exceed 600 square feet in floor area and shall comply with standards in EC 9.2751(16)

(f) *Cottage Cluster Orientation Standards.* The requirements set forth in EC 9.5550(6)(b) may be adjusted if the proposal achieves all of the following:

1. Provides a sense of community within a cottage cluster; units provide design features including but not limited to porches and ample transparency to encourage passive observation and neighborly interactions, and
2. Ensures that each dwelling has access to a common courtyard.
3. Dwellings within 20 feet of a front property line that abuts a street shall provide a pedestrian-friendly frontage through design features that may include street facing porches, abundant windows, and gateway elements.

(g) *Common Courtyard Design Standards.* The requirements set forth in EC 9.5550(6)(c) may be adjusted if the requested adjustment will allow the project to achieve an equivalent or higher quality design of open space than would result from strict adherence to the standards through:

a. Enhanced spaces that contribute positively to the site, streetscape, and adjoining properties. Design elements for this purpose may include high quality materials, outdoor seating, enhanced pedestrian space, pedestrian-scaled lighting, canopy trees and other landscape materials and other user amenities; and

b. An overall design that promotes safety and security.

(h) Community Building Standards. The requirements set forth in EC 9.5550(6)(d) may be adjusted if the proposal achieves the following:

1. The community building is compatible in scale with dwellings in the cottage cluster.

(i) Cottage Cluster Parking Design Standards. The requirements set forth in EC 9.5550(6)(f) may be adjusted if the proposal achieves all of the following:

1. Supports a pedestrian-friendly street environment; and

2. Supports livability for cottage cluster residents by minimizing the impacts of parking areas and garages.

3. 2. Consistency with EC 9.8030(28).

Conditional Use Permits

9.8085 Conditional Use Permit Application Requirements.

Conditional use applications shall be processed in accordance with the application procedures contained in EC [9.7000](#) through [9.7930-9.7835](#), Application Procedures. When a conditional use permit is required for the proposed use, no development permit application shall be accepted by the city until the hearings official or planning commission approves the conditional use permit, and then only in accordance with the terms and conditions of that conditional use permit. If the proposal includes needed housing, as defined by state law, the written statement submitted with the conditional use permit application shall clearly state whether the applicant is electing to use the general approval criteria in EC [9.8090](#) Conditional Use Permit Approval Criteria – General instead of the approval criteria found in EC [9.8100](#) Conditional Use Permit Approval Criteria – Needed Housing.

Middle Housing Land Division, Tentative Plan

9.8191 Purpose of Middle Housing Land Division, Tentative Plan.

Sections 9.8191 through 9.8199 govern the approval of middle housing land divisions. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect public health and safety, enable development to occur consistent with applicable provisions of the comprehensive plan, enable home ownership, and comply with state laws requiring the allowance of land divisions to create small lots for individual units of middle housing.

9.8192 Applicability of Middle Housing Land Division, Tentative Plan Applications.

(1) Middle housing land divisions are subject to the application procedures in EC 9.7900 through EC 9.7930.

(2) The creation of middle housing lots through a middle housing land division is permitted:

(a) On a lot or parcel prior to the development of middle housing, consistent with the approval criteria in subsections (1) and (3)-(9), of EC 9.8194.

(b) On a lot or parcel developed with middle housing, consistent with the approval criteria in subsections (2) and (3)-(9), of EC 9.8194.

9.8193 Middle Housing Land Division, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to middle housing land division tentative plan applications:

(1) The tentative plan included in the middle housing land division application must be prepared by an Oregon licensed land surveyor.

(2) The application must include a preliminary title report.

- (3) The application must identify all contiguous property under the same ownership as the property to be divided.
- (4) The application must be signed by the owner of the property to be divided.
- (5) The property to be divided must be a legal lot.

9.8194 Middle Housing Land Division, Tentative Plan Approval Criteria.

The planning director shall approve, conditionally approve, or deny the middle housing land division tentative plan application based on compliance with the following criteria:

- (1) If the property to be divided is not yet developed with middle housing:
 - (a) The application proposes development of middle housing on the lot or parcel to be divided; and
 - (b) The lot or parcel to be divided is developable with middle housing consistent with the following:
 - i. EC 9.2750;
 - ii. EC 9.2751;
 - iii. EC 9.2760;
 - iv. EC 9.2761;
 - v. EC 9.2775; and
 - vi. EC 9.5550.
- (2) If the property to be divided is developed with middle housing:
 - (a) The middle housing complies with EC 9.5550; or
 - (b) The certificate of occupancy for the middle housing was issued before July 1, 2022, and the middle housing complied with applicable land use requirements at the time the certificate of occupancy was issued.
- (3) The proposed middle housing land division complies with all of the following:
 - (a) EC 9.2771, Middle Housing Lot standards;
 - (b) EC 9.6505, Improvements, Specifications for any street frontage improvements required for middle housing lots that abut a street;
 - (c) EC 9.6805, Dedication of Public Ways; and

(d) All other applicable development standards for features explicitly included in the application.

(4) The following easements are shown on the tentative plan:

(a) Easements necessary for locating, accessing, replacing, and servicing all utilities;

(b) Easements for pedestrian access from each dwelling unit to a street;

(c) Easements necessary for any common areas or shared building elements;

(d) Easements necessary for any shared driveways or parking

(5) Separate utilities are provided for each dwelling unit.

(6) The middle housing land division results in one dwelling on each middle housing lot, except lots, parcels or tracts that include a common area. Lots, parcels or tracts that include a common area, but do not include a dwelling, are permitted.

(7) The application demonstrates that buildings or structures on the middle housing lots created by the middle housing land division will comply with applicable building code provisions related to new property lines; and, notwithstanding the creation of new lots or parcels, that structures or buildings located on the middle housing lots will comply with the Oregon Residential Specialty Code.

(8) The following notes are included on the tentative plan:

(a) The middle housing lots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.

(b) The middle housing developed on the middle housing lots shown on the tentative plan shall remain middle housing and shall not be considered to be any other housing type as a result of the middle housing land division.

(9) The proposed middle housing land division will not cause any existing improvements on the middle housing lots to be inconsistent with applicable standards in this land use code.

Middle Housing Land Division, Final Plat

9.8195 Purpose of Middle Housing Land Division, Final Plat.

The middle housing land division process includes both a tentative plan and final plat procedure. Sections 9.8195 through 9.8199 provide the regulations for processing middle housing land division final plat applications to ensure that tentative plan approval conditions have been met.

9.8196 Applicability of Middle Housing Land Division, Final Plat Applications.

A middle housing land division final plat application may not be submitted unless the subject property has received tentative plan approval and any required approval conditions have been met.

9.8197 Middle Housing Land Division, Final Plat – Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, final plat applications shall:

- (1) Be signed by the owner of the property.
- (2) Contain a proposed final plat stamped and signed by an Oregon licensed land surveyor, complying with state and local platting and surveying requirements.
- (3) Contain documentation addressing all conditions of tentative plan approval and state and local platting requirements.

9.8198 Middle Housing Land Division, Final Plat – Approval Criteria.

The planning director shall approve or deny the final plat for the middle housing land division. Approval shall be based on compliance with the following criteria, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:

(1) The city surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.

(2) Streets, bicycle paths, accessways, and alleys for public use have been dedicated without any reservation or restriction other than reversionary rights upon vacation.

(3) Public improvements as required by this land use code or as a condition of tentative plan approval are completed, or:

(a) A performance bond or suitable substitute as agreed upon by the city and applicant has been filed with the city finance officer in an amount sufficient to assure the completion of all required public improvements; or

(b) A petition for public improvements and for the assessment of the real property for the improvements has been signed by the property owner seeking the partition and the petition has been accepted by the city engineer.

(4) Public assessments, liens, and fees with respect to the middle housing land division have been paid, or:

(a) A segregation of assessments and liens has been applied for and granted by the city, or

(b) An adequate guarantee in a form acceptable to the city manager has been provided assuring the liens, assessments and fees will be paid prior to recording the final plat.

(5) All conditions of tentative middle housing land division approval have been met and the final plat substantially conforms to the provisions of the approved tentative middle housing land division.

9.8199 Middle Housing Land Division, Final Plat – Recordation.

(1) The city surveyor and planning director shall note their approval of the middle housing land division on the final plat along with the effective date of approval, which constitutes the city's acceptance of any dedications to the public contained therein. After approval, the city shall forward the final plat for the middle housing land division to Lane County for signature by the county assessor and recording.

(2) A notice of middle housing land division shall be recorded for each middle housing lot with the Lane County Deeds and Records that states:

(#) The middle housing lot may not be further divided.

(#) No more than one unit of middle housing may be developed on each middle housing lot.

(#) The dwelling developed on the middle housing lot is a unit of middle housing and is not a single attached or detached dwelling, or any other housing type.

Partitions, Tentative Plan

* * *

9.8205 Applicability of Partition, Tentative Plan Applications.

Requests to create 2 or 3 parcels shall be subject to the partition provisions of this land use code and shall— follow wing a Type II application procedure, except that partition applications that meet the approval criteria in EC 9.8215(7) or EC 9.8220(7) may be processed pursuant to the expedited land division procedures in EC 9.7900 through EC.97925. A partition application that also involves a PUD request may not be submitted until a decision on the tentative PUD approval is final. (Refer to EC [9.8305](#) Applicability.) No development permit shall be issued by the city prior to approval of the tentative partition application.

9.8210 Partition, Tentative Plan Application Requirements.

In addition to the provisions in EC [9.7010](#) Application Filing, the following specific requirements apply to partition tentative plan applications:

* * *

(5) The written statement submitted with the partition application shall clearly state whether the applicant believes that the proposal qualifies for the expedited land division procedures in EC 9.7900 through EC.97925, and whether the applicant is electing to use the expedited land division procedures in EC 9.7900 through EC.97925.

9.8215 Partition, Tentative Plan Approval Criteria – General.

The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

* * *

(7) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

(a) The proposed partition only includes land zoned for residential uses;

(b) The parcels created will only be developed for residential use, including recreational or open space accessory to residential use;

(c) The parcels created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and

(d) Existing and future dwellings located on the property that is the subject of the partition application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

9.8220 Partition, Tentative Plan Approval Criteria – Needed Housing.

The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC [9.8215](#) Partition, Tentative Plan Approval Criteria – General, where the applicant proposes needed housing, as defined by

the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria:

* * *

(7) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

(a) The partition only includes land zoned for residential uses;

(b) The parcels created will only be developed for residential use, including recreational or open space accessory to residential use;

(c) The parcels created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and

(d) Existing and future dwellings located on the property that is the subject of the partition application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

9.8423 General Requirements.

Applications for refinement plan amendments shall be submitted on a form approved by the city manager and reviewed under a Type IV process for site specific amendments or otherwise, a Type V process according to EC [9.7000](#) through [9.79309.7835](#) Application Procedures.

Subdivision, Tentative Plan

* * *

9.8505 Applicability of Subdivision, Tentative Plan Applications.

Requests to create four or more lots shall be subject to the subdivision provisions of this land use code under and shall follow a Type II application process, except that subdivision applications that meet the approval criteria in EC 9.8515(13) or EC 9.8520(11) may be processed pursuant to the expedited land division procedures in EC 9.7900 through EC.97925. A subdivision application that also involves a PUD request may not be submitted until a decision on the tentative PUD approval is final. (Refer to EC 9.8305 Applicability.) No development permit shall be issued by the city prior to approval of the subdivision tentative plan application.

9.8510 Subdivision, Tentative Plan Application Requirements.

In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative subdivision plan applications:

* * *

(6) The written statement submitted with the subdivision application shall clearly state whether the applicant believes that the proposal qualifies for the expedited land division procedures in EC 9.7900 through EC.97925, and whether the applicant is electing to use the expedited land division procedures in EC 9.7900 through EC.97925.

9.8515 Subdivision, Tentative Plan Approval Criteria – General.

The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:

* * *

(13) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

(a) The subdivision only includes land zoned for residential uses;

(b) The lots created will only be developed for residential use, including recreational or open space accessory to residential use;

(c) The lots created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and

(d) Existing and future dwellings located on the property that is the subject of the subdivision application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

* * *

9.8520 Subdivision, Tentative Plan Approval Criteria – Needed Housing.

The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC [9.8515](#) Subdivision, Tentative Plan Approval Criteria – General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:

* * *

(11) If the applicant elects to use the expedited land division procedures in EC 9.7900 through EC.97925, the application must meet the following additional approval criteria:

(a) The subdivision only includes land zoned for residential uses;

(b) The lots created will only be developed for residential use, including recreational or open space accessory to residential use;

(c) The lots created will allow construction of residential units at a density of 80 percent or more of the maximum net density per acre permitted in the zone and identified in Table 9.2750; and

(d) Existing and future dwellings located on the property that is the subject of the subdivision application will be sold or rented to households with incomes below 120 percent of the median family income for Lane County.

* * *

Vacations

9.8705 Applicability of Vacation Procedures.

* * *

(3) Vacation of public ways and public easements may be applied for by private citizens, public agencies, or the city council in accordance with EC [9.7000](#) through [9.79309.7835](#) Application Procedures.

9.8710 Vacations, Application Requirements.

(1) Vacation of unimproved public easements shall be considered in accordance with the Type I Application Procedures contained in EC [9.7000](#) through [9.79309.7835](#) and the approval criteria contained in EC [9.8715](#). In the case of public utility easements, statements of concurrence with the vacation from affected utility providers must be submitted with the application.

(2) Vacation of improved public easements, unimproved public right-of-way, and vacation and rededication of unimproved public rights-of-way, except improved public easements and public right-of-way located within undeveloped subdivision or partition plats, shall be considered in accordance with the Type II Application Procedures contained in EC [9.7000](#) through [9.79309.7835](#) and the approval criteria contained in EC [9.8720](#). In the case of public utility easements, letters of concurrence to the vacation from affected utility providers must be submitted with the application.

* * *

9.8810 General Requirements.

(1) Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC [9.7000](#) through EC [9.79309.7835](#) Application Procedures unless considered concurrently with a Type IV or Type V application.

* * *

Zone Change

9.8865 Zone Change Approval Criteria.

Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

* * *

(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

- (a) EC 9.2150 Commercial Zone Siting Requirements.
- (b) EC 9.2430 Employment and Industrial Zone Siting Requirements.
- (c) EC 9.2510 Natural Resource Zone Siting Requirements.
- (d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.
- (e) EC 9.2681 Public Land Zone Siting Requirements.
- ~~(f) EC 9.2735 Residential Zone Siting Requirements.~~
- (~~g~~f) EC 9.3055 S-C Chambers Special Area Zone Siting Requirements.
- (~~h~~g) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.
- (~~i~~h) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.
- (~~j~~i) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
- (~~k~~j) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
- (~~l~~k) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.
- (~~m~~l) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
- (~~n~~m) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
- (~~o~~n) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
- (~~p~~o) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.
- (~~q~~p) EC 9.4160 /CL Clear Lake Overlay Zone Siting Requirements.
- (~~r~~q) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
- (~~s~~r) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
- (~~t~~s) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).

(~~ut~~) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).

(~~vu~~) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.

(~~wv~~) An uncodified ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

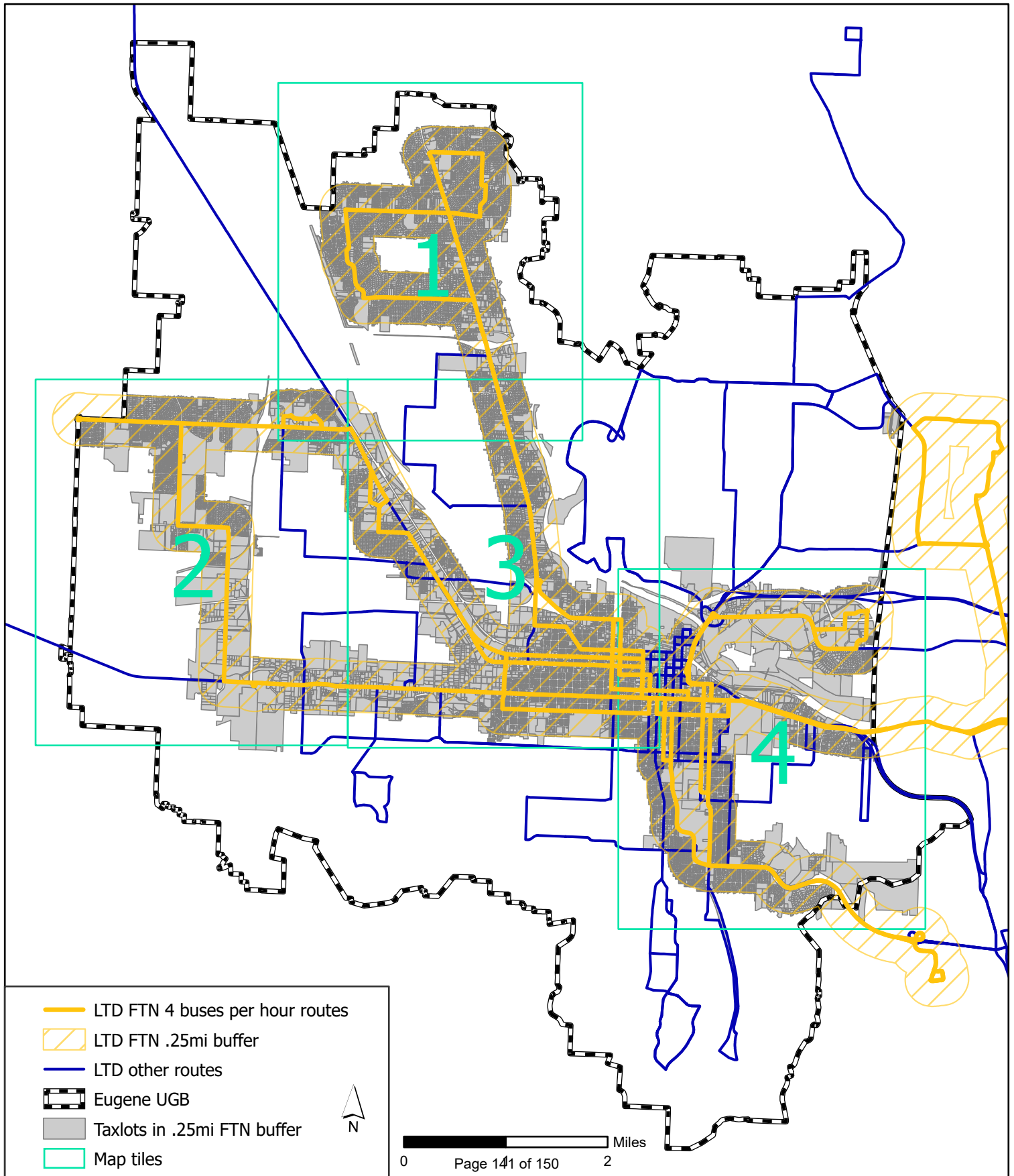
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**Figure
9.0500**

Frequent Transit Routes

Overview Map



Frequent Transit Routes

Map Tile #1

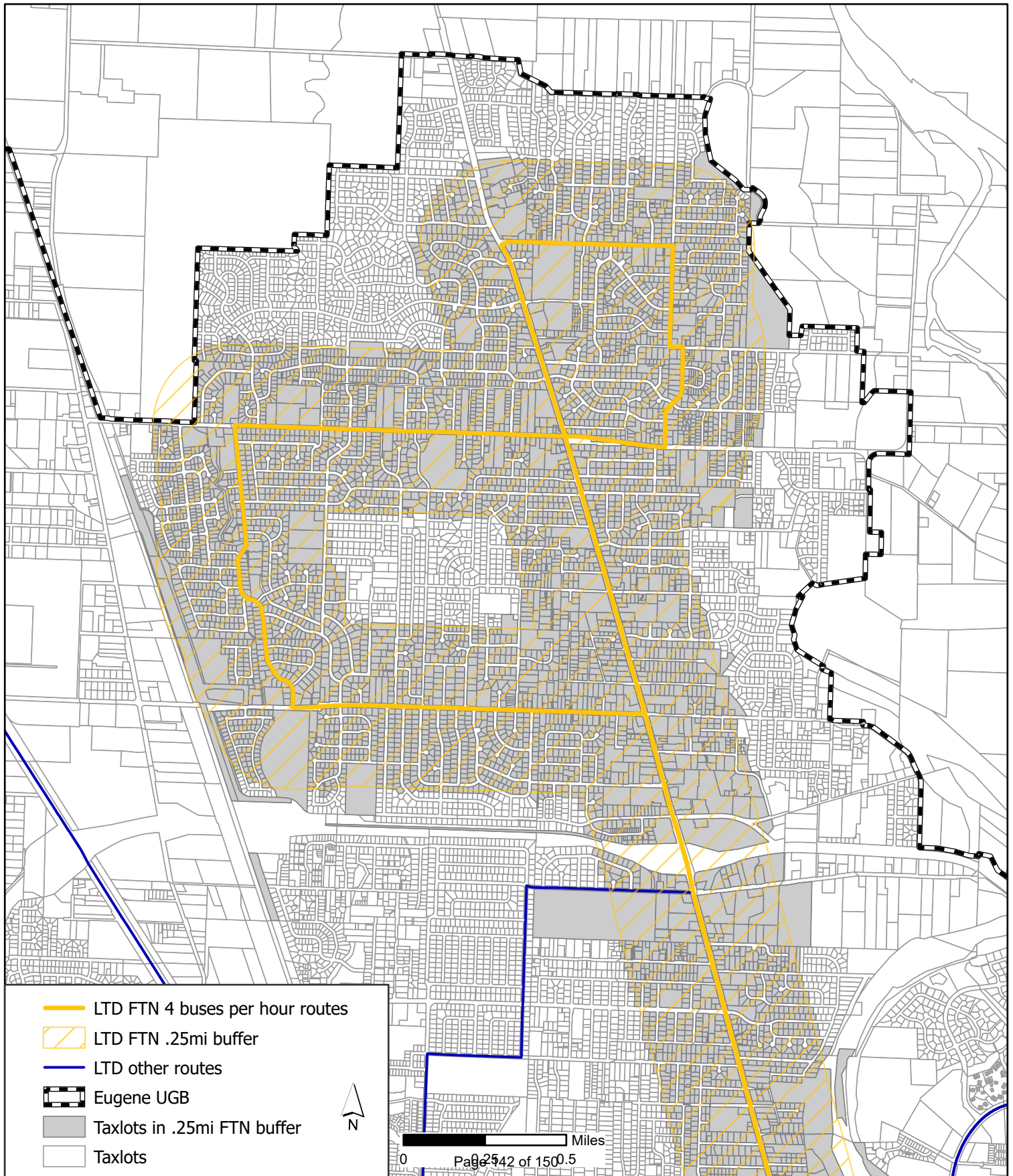
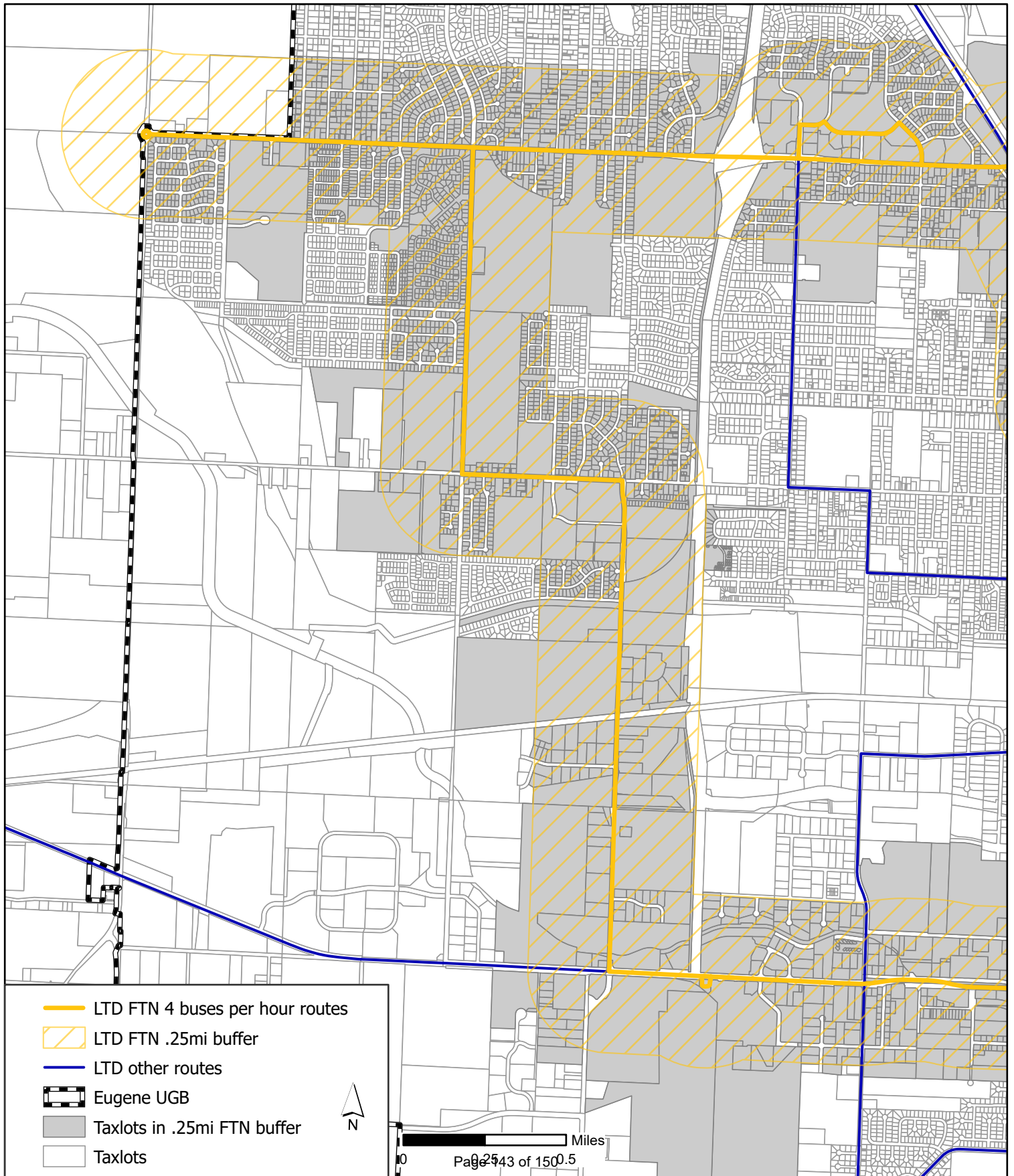


Figure
9.0500

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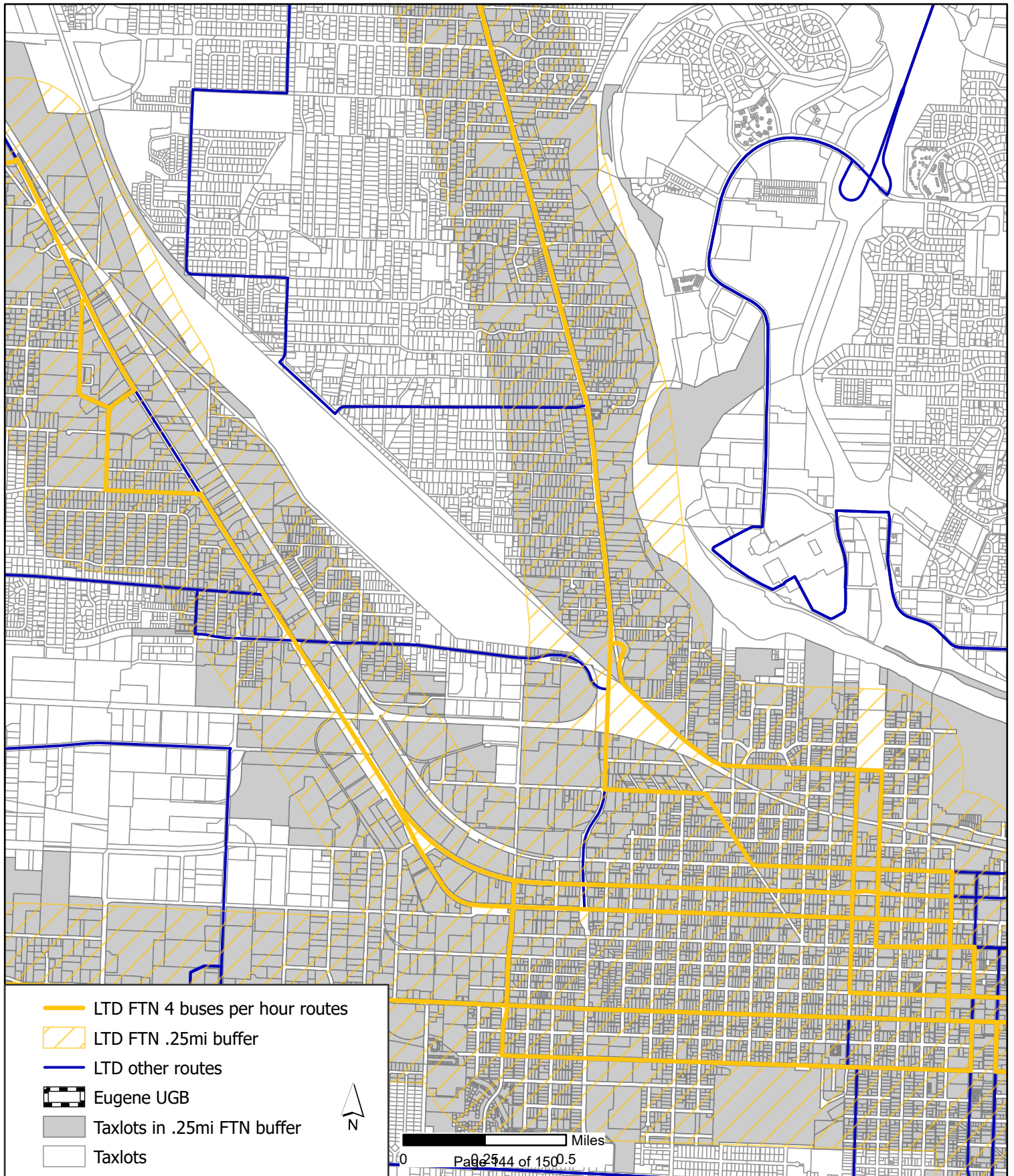
Frequent Transit Routes

Map Tile #2



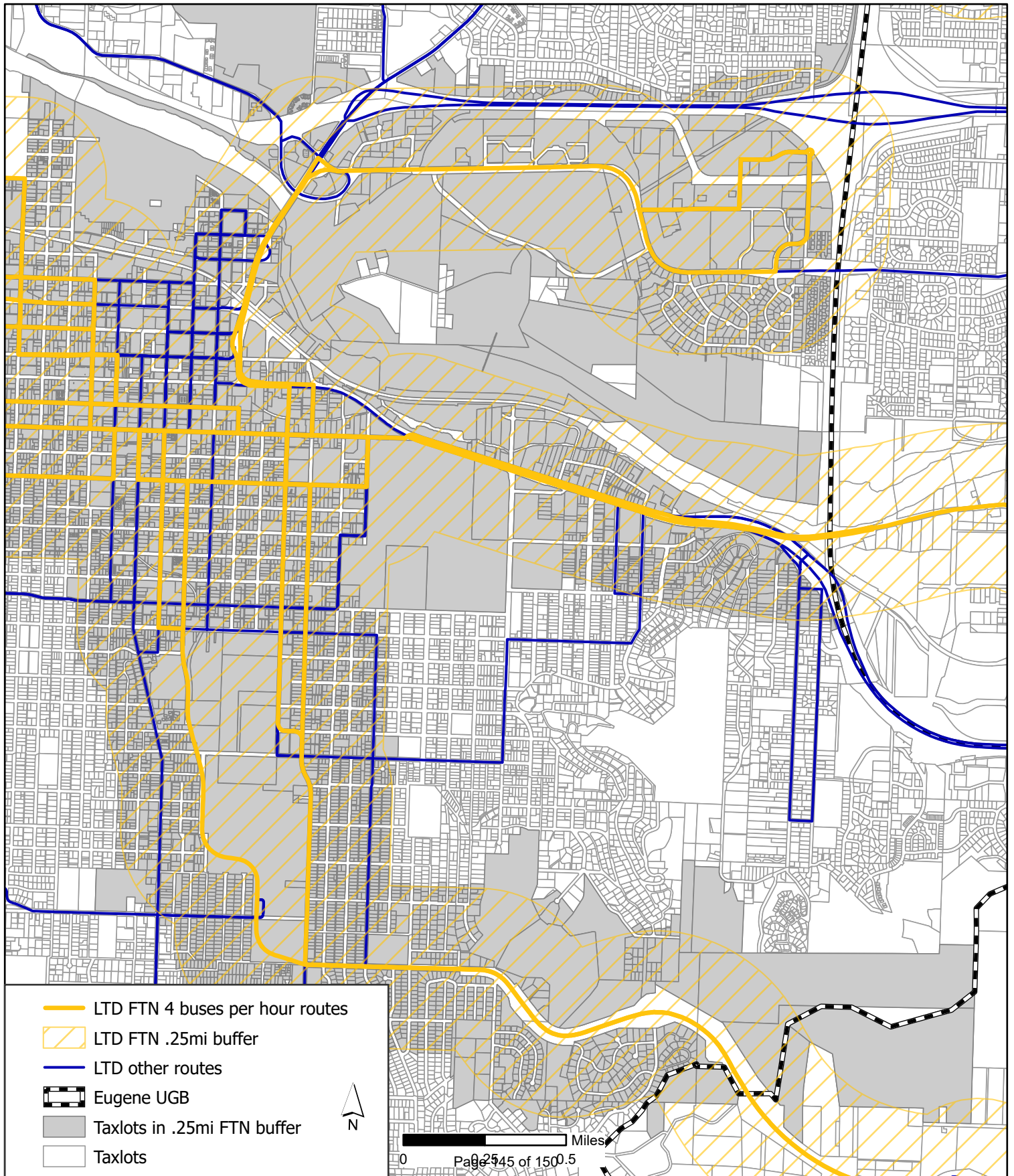
Frequent Transit Routes

Map Tile #3



Frequent Transit Routes

Map Tile #4



Proposed Metro Plan Amendments*

Policy A.9 from the residential chapter of the Metro Plan prescribes minimum and maximum densities and conflicts directly with HB 2001. The text in ***bold italics*** is proposed to be added to this policy and be applicable to Eugene.

Chapter III Specific Elements

A. Metropolitan Residential Land Use and Housing Element

Residential Density

Policies

- A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

The Low, Medium, and High density ranges established in this policy A.9, do not apply to the following housing types located within the City of Eugene: duplexes, triplexes, quadplexes, cottage clusters, and townhouses. The City of Eugene may establish density requirements which comply with state law for duplexes, triplexes, quadplexes, cottage clusters, and townhouses. If an adopted refinement plan is inconsistent with this policy, this policy will prevail.

*The proposed Metro Plan Amendment is being processed as Type I Text Amendment, in accordance with Eugene Code 9.7705. The current Metro Plan text can be viewed here: <https://www.eugene-or.gov/848/Studies-and-Adopted-Plans>. For other alternatives to review the Metro Plan, please contact Planning Division staff.



Middle Housing Affordability FAQ

Question 1: Can the City require that new middle housing units be affordable to people in certain income ranges?

Answer: State law does not allow jurisdictions to require all new middle housing to be affordable at a specific income level. Imposing affordability requirements on private development (known as “inclusionary zoning”) is allowed by Oregon law only for development with at least 20 units per building, and only if certain incentives are offered in exchange. This would also be prohibited by House Bill 2001 because it would almost certainly constitute an unreasonable cost that is not applied to single-family housing. The City could make density bonuses, lower parking ratios, or other code incentives that go beyond minimum compliance available only for development that meets certain affordability criteria but must allow middle housing subject to standards consistent with HB2001 regardless of pricing.

New middle housing is likely to be affordable to a broader range of households than new single-family detached homes; however, it is very difficult to deliver new housing (of any form) that is affordable to the City’s lowest income residents without public subsidy. Even if it were legal, requiring middle housing to offer below-market rents or sales prices without providing public subsidy or incentives would likely make it impossible for the private market to develop. It would also mean that middle housing would face even greater obstacles compared to single family development. Nearly all for-profit developers would likely continue to build single family homes. Some non-profit or affordable housing builders would be able to build middle housing, but it would rarely be delivered by the private market.

Question 2: Are there ways for the City to provide incentives or other strategies to make middle housing more affordable?

Answer: Yes, the City has discussed and is considering several options for encouraging or incentivizing development of middle housing that would be affordable to a wider range of residents. These include:

- Allow for development of middle housing with smaller lot sizes and/or more units on each lot, to reduce land cost per unit.
- Offer a density bonus if property owners want to keep some units affordable to people earning limited incomes.
- Encourage smaller middle housing unit sizes by reducing lot area requirements and eliminating off-street parking mandates when units are smaller than 900 square feet.
- Reduce city fees, property taxes, and/or the cost of associated public facilities for middle housing units that are affordable to people with lower incomes.

Question 3: How else will the City’s proposed middle housing standards address City equity and affordability goals?

Answer: Implementation of the proposed middle housing code updates will enhance housing equity and affordability in the long-term in a variety of ways.

- Increasing the overall supply of housing in the City will help keep housing costs from escalating faster than incomes as the City grows. This will have a positive effect on affordability of all housing over time.
- Allowing middle housing in the City’s low-density residential zones creates opportunities to expand the supply of moderate-cost housing in the City.
- Reducing lot sizes for middle housing will reduce the cost of development associated with land, which allows middle housing to be developed in more situations and potentially at more affordable price-points.
- Allowing for middle housing broadly across the City will help improve the equitable distribution of middle housing in a wider range of neighborhoods and provide a greater variety of housing options, including homeownership and wealth building opportunities, in more parts of the City.

Question 4: Is increased regulation of middle housing beneficial in creating more housing opportunities?

Answer: In general, imposing more regulation on the development and design of any form of housing tends to increase the cost of producing and providing that housing. While it is important to continue to regulate certain aspects of housing development in a reasonable, fair and consistent manner, too much regulation can constrain housing production in ways that drive up housing costs overall. However, if calibrated carefully to the local housing market so that new development remains viable, regulations that limit the size of new homes (including single-family detached homes as well as middle housing) can help prevent very large homes that are more likely to be expensive from “out-competing” smaller and lower-cost housing options.

Question 5: What else can the City do to support development of housing affordable to people with limited means?

Answer: The City can continue to work with non-profit and market rate developers of all forms of housing that are affordable to people with low incomes. This includes continuing to implement a variety of strategies including: use of publicly owned land, reduction of system development charges or other fees, implementation of property tax abatement programs, provision of technical assistance by City staff, use of state and federal funds for subsidies, and others.



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

Building massing scenarios based on the proposed middle housing code amendments.

Street View

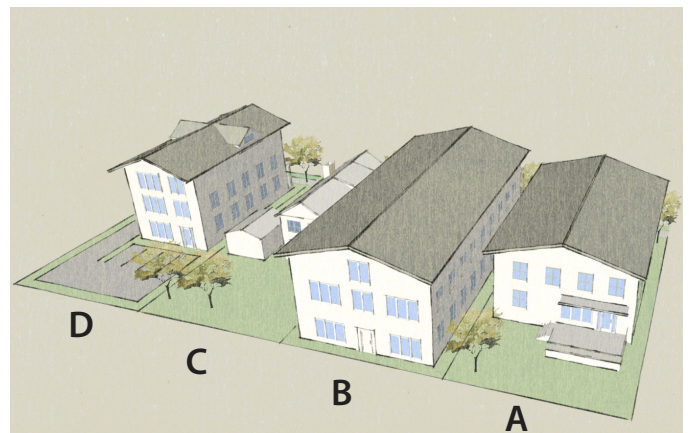
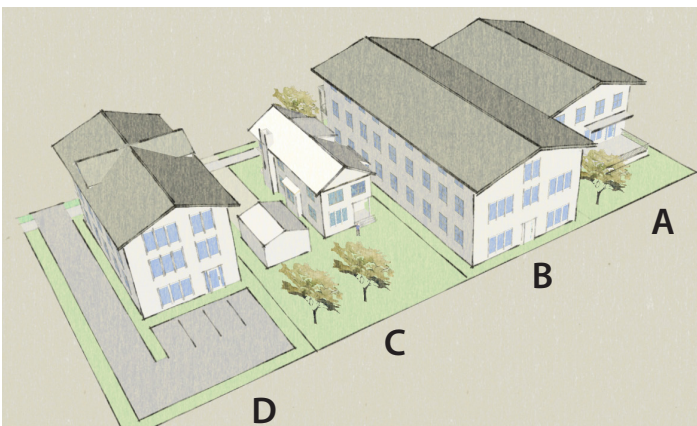


Lot Sizes: 60' x 120'

Buildings:

- A. Maximum build-out allowed for Single-Dwelling – 3,600 sq. ft. footprint; 37' height; 50% coverage
- B. Maximum build-out for attached plex w/out parking (set-backs are 27% of the lot so the building can't utilize the 75% coverage) – approx. 5,250 sq. ft. footprint; 42' height; 73% coverage
- C. Single-Dwelling – approx. 1,830 sq.ft. footprint; approx. 29' height; 30.6% lot coverage w/detached garage
- D. Maximum build-out for a quad-plex with required parking – 2, 190 sq.ft. footprint; approx. 30.5% coverage

Back Views





The Public Hearings process is about to begin! Join us for an opportunity to hear about Middle Housing project and changes coming to the Land Use Code. Staff will review the requirements of House Bill 2001, the public engagement process, what's included in the draft code, and how to get involved in the public hearings process. Afterwards, there will be time for questions.

This session will be held twice over Zoom and both sessions will include the same presentation. The presentation and both Q&A opportunities will be recorded for those who can't join us live. Meeting information is below.

Session 1: Tuesday October 19, 2021 7:00 - 8:30pm

Zoom link: <https://eugene-or-gov.zoom.us/j/81848116549>

Meeting ID: 818 4811 6549

Passcode: Triplex3

Phone-In: +1 971 247 1195 US (Portland)

Session 2: Thursday October 21, 2021 4:00 – 5:30pm

Zoom link: <https://eugene-or-gov.zoom.us/j/85806239620>

Meeting ID: 858 0623 9620

Passcode: Quadplex4

Phone-In: +1 971 247 1195 US (Portland)