

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SINGLE FAMILY CODE AMENDMENTS FOR ACCESSORY BUILDINGS, ALLEY ACCESS LOTS AND SECONDARY DWELLINGS; AMENDING SECTIONS 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.6775, AND 9.8030, OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following definitions in Section 9.0500 of the Eugene Code, 1971, are amended to provide as follows:

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Accessory Building. Any authorized, detached building subordinate to the main building on the same development site. ***In addition,*** ~~[F]~~for the purposes of EC 9.2700 through ~~[9.2777]~~**9.2751**, in the R-1 zone, an accessory building that shares a common wall with the primary dwelling for less than 8 feet is considered a detached accessory building.

Bedroom. ~~[A]~~***Within a dwelling,*** a bedroom is any room that either:

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

kennel. An establishment or premises on which 4 or more dogs over 6 months of age are kept or maintained, whether by owners of the dogs or by persons providing facilities and care, and whether or not for compensation, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period. For purposes of this definition, if the “premises” consists of a lot that contains a main dwelling and a secondary dwelling unit, the “premises” means the lot. **(See [EC 9.2741(2)(a)5. and]EC 9.2751(17)[(j)](a)6. and (c)10.)**

Section 2. Section 9.1245 of the Eugene Code, 1971, is amended to provide as follows:

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

<i>R-1 Low Density Residential</i>	<i>Secondary Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Accessory Building</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
<i>R-1 Low Density Residential</i>	<i>Alley Access Lot Dwelling</i>	<i>Limited to those in existence on _____ [effective date of ordinance]</i>
R-1 Low Density Residential [within the] within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on April 12, 2014

Section 3. The introductory provision for the entry for “Dwellings” under the “Residential” section in Table 9.2740 of Section 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

9.2740 Residential Zone Land Use and Permit Requirements. The following Table 9.2740 Residential Zone Land Use and Permit Requirements identifies those uses in the residential zones that are:

- (P) Permitted, subject to zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to an approved final planned unit development.
- (S) Permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

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

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Residential					
Dwellings. (All dwellings, <i>including secondary dwellings</i> , 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.)					

Section 4. Subsection (2) of Section 9.2741 of the Eugene Code, 1971, is amended to provide as follows, and by moving the provisions of (2)(a) and (b) to Section 9.2751(17) as shown in Section 6 of this Ordinance:

9.2741 Special Use Limitations for Table 9.2740.

(2) Secondary Dwellings. Secondary dwellings are only permitted in R-1 and are subject to the standards [below] ***beginning at EC 9.2750, except that new secondary dwellings are prohibited on alley access lots and flag lots.***

~~[(a) Secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:~~

- ~~1. The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.~~
- ~~2. Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.~~
- ~~3. There shall be at least 1 off-street parking space on the property.~~
- ~~4. Except for flag lots, the lot shall be at least 4,500 square feet. Flag lots shall contain at least 13,500 square feet to permit a secondary dwelling.~~
- ~~5. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.~~

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

- ~~1. Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet.~~
- ~~2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.~~
- ~~3. Provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling.~~
- ~~4. The primary entrance to a secondary dwelling shall be defined by a roofed porch.~~
- ~~5. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.~~

~~Prior to issuance of a final occupancy permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the requirement that the secondary dwelling or primary dwelling is, and will remain, owner/occupied.]~~

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

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

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

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum	--	10 units	20 units	20 units
Maximum Net Density per Acre	14 units	--	28 units	56 units	112 units
Maximum Building Height (2), (3), (4), (5), (16), (17), (18)					
Main Building. [Includes Secondary Dwellings Within the Main Building] <i>Does not include main building on Alley Access Lot</i>	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot	See (18)	--	--	--	--
Accessory Building. [Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)]	[20 feet] See (16)	20 feet	25 feet	30 feet	30 feet
Secondary Dwelling	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

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 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)	--	--	--	--
Interior Yard Setback for Secondary Dwellings	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 (18)					
All Lots, [Excluding Rowhouse Lots] except where specifically addressed below	50% of Lot	--	50% of Lot	--	--
Lots with Secondary Dwellings (Area-Specific)	See (17)(c)	--	--	--	--
Alley Access Lots in R-1	See (18)	--	--	--	--
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
Outdoor Living Area (13)					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
Fences (14)					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 feet
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
Driveways and Parking Areas (15)					
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)	--	--	--	--
Secondary Dwellings [Units] (17)					
General Standards	See [EC 9.2741(2)] (17)(a) and (b)	--	--	--	--

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
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)	--	--	--	--

Section 6. Figure 9.2751(16)(a)2.a. is added as shown on Exhibit A attached hereto; Figure 9.2751(16)(c)1. is relabeled to Figure 9.2751(16)(b)3. as shown on Exhibit B attached hereto; Figure 9.2751(18)(k) is relabeled to Figure 9.2751(18)(a)11. as shown on Exhibit C attached hereto; and Subsections (3), (11), (16), (17), and (18) of Section 9.2751 of the Eugene Code, 1971, are amended; to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(3) Building Height.

- (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
- (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:
 - 1. In the R-3 zone between 19th and 20th Avenues, the maximum building height is 35 feet.
 - 2. In the R-4 zone west of Hilyard Street, the maximum building height is 65 feet.
 - 3. In the R-4 zone east of Hilyard Street, the maximum building height is:
 - a. 35 feet within the area south of 19th Avenue;
 - b. 50 feet within the half block abutting the north side of 19th Avenue;
 - c. 65 feet within the half block abutting the south side of 18th Avenue.
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south the maximum building height is 65 feet.

(See Figure 9.2751(3)).
- (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones, except that this additional building height allowance is not permitted **in the R-1 zone** for secondary

dwellings, accessory buildings [~~in the R-1 zone,~~] or development on alley access lots [~~within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].

(11) **Alley Access Lots/Parcels.** [~~Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel. Alley access parcels have only interior yard setbacks.~~] There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards *in R-1* [~~within the city-recognized boundaries of the Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association~~].)

(16) **Accessory Buildings in R-1.**

(a) **General Standards.** *Except as provided in subsection (b) below, the following standards apply to all new accessory buildings:*

1. **Building Size.** *The maximum square footage of all accessory buildings shall not exceed 10 percent of the lot area, except that accessory buildings on development sites larger than one acre (43,560 square feet) may exceed that maximum size if approved through the PUD process. For the purposes of calculating square footage, all floors of a multi-story structure shall be included.*

2. **Building Height/Interior Setback.**

a. *Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 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 to a maximum building height of 25 feet, except as provided below. (See Figure 9.2751(16)(a)2.a.)*

b. *Where the entire structure meets the sloped setback standard above, approval for up to a 5-foot increase in height may be granted only through the PUD process.*

3. **Use.** *No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:*

a. *The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.*

b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*

c. *The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.*

(b) **Area-Specific Accessory Building Standards.** The following standards apply to all new accessory buildings associated with a

dwelling in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association [~~that are detached or that share a common wall with the primary dwelling for less than 8 feet~~]:

- ~~(a)~~ 1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
- ~~(b)~~ 2. The accessory building shall not exceed 400 square feet in area.
- ~~(c)~~ 3. Building Height/Interior [~~Sloped~~] Setback.
 - 4-~~a~~. The interior yard setbacks shall be at least 5 feet from the interior lot lines. In addition, at a point that is 8 feet above finished grade, the setbacks shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot lines until a point not to exceed a maximum building height of 18 feet.
 - 2-~~b~~. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

(See Figure 9.2751(16))~~(c)4-1~~(b)3.

- ~~(d)~~ 4. An accessory building greater than 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for every 12 inches horizontally.
- ~~(e)~~ 5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
- ~~(f)~~ 6. The accessory building shall not include more than one plumbing fixture.
- ~~(g)~~ 7. For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:
 - 4-~~a~~. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
 - 2-~~b~~. If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and remove the plumbing fixture from the building.
 - 3-~~c~~. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
 - 4-~~d~~. The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.
 - 5-~~e~~. The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.

(17) Secondary Dwellings in R-1.

- (a) General Standards for Attached Secondary Dwellings. Except as provided in subsection (c) below, secondary dwellings that are**

within the same building as the primary dwelling shall comply with all of the following:

1. **Lot Area.** *To allow for a secondary dwelling, the lot shall contain at least 6,100 square feet except that secondary dwellings are prohibited on alley access lots and flag lots.*
2. **Building Size.** *The total building square footage of a secondary dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. 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.*
3. **Building Height/Interior Setback.**
 - a. *For attached secondary dwellings located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750*
 - b. *For attached secondary dwellings located greater than 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 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 to a maximum building height of 18 feet. (See Figure 9.2751(16)(b)3.)*
 - c. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.*
4. **Minimum Attachment.** *The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.*
5. **Maximum Bedrooms.** *The secondary dwelling shall contain no more than 2 bedrooms.*
6. **Dog Keeping.** *No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.*
7. **Ownership/Occupancy Requirements.** *Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the*

- primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.*
8. **Temporary Leave.** *Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).*
 9. **Deed Restriction.** *Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:*
 - a. *One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.*
 - b. *The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.*
 - c. *The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.*
 10. **Verification.** *At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 7. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license,*

- homeowner's insurance, income tax filing, and/or utility bill.
- (b) **General Standards for Detached Secondary Dwellings.** In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following, except as provided in subsection (c) below:
1. **Building Size.** Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.
 2. **Pedestrian Access.** A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.
 3. **Primary Entrance.** The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
 4. **Outdoor Storage/Trash.** Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
 5. **Building Height/Interior Setback.**
 - a. Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 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 until a point not to exceed a maximum building height of 18 feet.
 - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. (See Figure 9.2751(16)(b)3.)
 - c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).
 6. **Maximum Wall Length.** Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).
- (c) **Area-Specific Secondary Dwelling Standards.** The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
- (a)1. **Lot Area.** To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.

- (b)2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.
- (c)3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
- (d)4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of the total lot area.
- (e)5. Building Size. For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. Total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
- (f)6. Minimum Attachment. ~~[The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.]~~ **The standards at EC 9.2751(17)(a)4. are applicable.**
- (g)7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.
- (h)8. Maximum Occupancy. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
- (i)9. Building Height/Interior [Sloped] Setback. For detached secondary dwellings:
- 1.a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.
 - 2.b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.
- (See Figure 9.2751(16))[(e)1.](b)3.)**
- (j)10. Dog Keeping. ~~[No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.]~~ **The standards at EC 9.2751(17)(a)6. are applicable.**
- (k)11. Ownership/Occupancy Requirements. ~~[Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property~~

owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.] **The standards at EC 9.2751(17)(a)7. are applicable.**

(l) **12. Temporary Leave.** [Notwithstanding subsection (k) above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years.] **The standards at EC 9.2751(17)(a)8. are applicable.**

(m) **13. Deed Restriction.** [Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:

1. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.
2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
3. The deed restriction may be terminated, upon approval by the City, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.

In addition, the applicable maximum occupancy limitation in subsection (h) above must be included in the deed restriction.] **The**

standards at EC 9.2751(17)(a)9. are applicable.

- ~~(n)~~ **14. Verification.** [At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection (k) above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.] **The standards at EC 9.2751(17)(a)10. are applicable.**
- ~~(o)~~ **15. Parking.** For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
- ~~(p)~~ **16. Alley Access Parking and Driveway.** The standards at EC 9.2751(18)[~~(k)~~]**(a)11. are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.**
- ~~(q)~~ **17. Pedestrian Access.** [A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width. The standards in this subsection (q) are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.] **The standards at EC 9.2751(17)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.**
- ~~(r)~~ **18. Primary Entrance.** [The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet. The standards in this subsection [~~(r)~~] are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)3. are applicable to detached secondary dwellings only.**
- ~~(s)~~ **19. Outdoor Storage/Trash.** [Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site-obscuring fence or enclosure on at least three sides. The standards in this subsection [~~(s)~~] are applicable to detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.**
- ~~(t)~~ **20. Maximum Wall Length.** [Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists). The standards in this subsection [~~(t)~~] are applicable for detached secondary dwellings only.] **The standards at EC 9.2751(17)(b)6.**

are applicable to detached secondary dwellings only.

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

- (d) **Adjustment Review.** *The standards at EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For secondary dwellings, these are the only standards that may be adjusted. With the exception of EC 9.2751(17)(a)8. regarding temporary leave, these standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (e) **Enforcement.** *Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.*

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

(a) **General Standards.**

1. **Applicability.** *Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.*
2. **Use Regulations.** *Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling.*
3. **Building Size.** *The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. 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.*
4. **Lot Coverage.** *Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.*
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 8 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 18 feet.*
 - b. *The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.*

(See Figure 9.2751(16)(b)3.)

- c. *These standards may be adjusted in accordance with EC 9.8030(35).*
6. **Windows, Dormers and Balconies.**
 - a. *Any window on the upper story must be located a minimum of 10 feet from any property line.*
 - b. *Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.*
 - c. *Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.*
 - d. *Notwithstanding b. and c. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.*
7. **Bedrooms.** *The dwelling shall contain no more than 3 bedrooms.*
8. **Primary Entrance.** *The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.*
9. **Pedestrian Access.** *The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.*
10. **Parking Spaces.** *There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.*
11. **Parking and Driveway.**
 - a. *Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.*
 - b. *The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.*
 - c. *The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.*
 - d. *The maximum width for a driveway accessing a garage or carport shall be 12 feet.*
 - e. *The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.*

- f. *The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.*
 - g. *The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.*
 - h. *Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.*
 - i. *The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.*
 - j. *No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(a)11.)*
12. **Distance from Street/Fire Safety.** *If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.*
 13. **Trash and Recycling.** *Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.*
 14. **Accessory Buildings.** *Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.*
 15. **Adjustment Review.** *For alley access lots, EC 9.2751(18)(a)5 is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*
- (b) **Area-Specific Alley Access Lot Standards in R-1.** ~~[(a) Applicability. The following standard apply]~~ ***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 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.*
 2. ***This standard may not be adjusted.***
- ~~[(b) General. All base zone development standards must be met, unless otherwise stated in this section. Secondary dwellings are~~

not allowed.

- ~~(c) Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms. For one and one-half story structures, a maximum of 400 square feet of the total building square footage can be on the upper floor.~~
- ~~(d) Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.~~
- ~~(e) Building Height/Interior Setback.
 1. The interior yard setbacks shall be at least 5 feet from all lot lines (including the alley frontage). In addition, at a point that is 8 feet above finished grade, the setbacks from all lot lines, except the alley frontage, shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.
 2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.~~

(See Figure 9.2751(16)(c)1.)

- ~~(f) Windows, Dormers and Balconies.
 1. Any window on the upper story must be located a minimum of 10 feet from any property line.
 2. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.
 3. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.
 4. Notwithstanding 2. and 3. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.~~
- ~~(g) Bedrooms. The dwelling shall contain no more than 3 bedrooms.~~
- ~~(h) Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.~~
- ~~(i) Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard surfaced/hardscaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated~~

from the driveway or parking area.

~~(j) Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.~~

~~(k) Parking and Driveway.~~

~~1. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.~~

~~2. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.~~

~~3. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.~~

~~4. The maximum width for a driveway accessing a garage or carport shall be 12 feet.~~

~~5. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.~~

~~6. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.~~

~~7. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.~~

~~8. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.~~

~~9. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.~~

~~10. No parking shall occur outside of the vehicle use area. (See Figure 9.2751(18)(k))~~

~~(l) Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.~~

~~(m) Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.~~

~~(n) Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.]~~

Section 7. Section 9.6775 of the Eugene Code, 1971, is amended to provide as follows:

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) ***Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.***
 - (d) ***Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.***
- (2) ***Underground Utility Standards.*** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). ~~[This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service.]~~ 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.

Section 8. Subsections (34) and (35) of Section 9.8030 of the Eugene Code, 1971, are added, to provide as follows:

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (34) ***Secondary Dwellings.*** *Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.*
 - (a) ***Temporary Leave.*** *A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.*
 - (b) ***Conversion of Existing Building.*** *A legally established building existing as of _____ [effective date of ordinance] may be converted to a secondary dwelling if it complies with all of the following:*
 1. ***The existing structure satisfies all secondary dwelling standards except the applicable sloped setback under Building Height/Interior Setback at EC 9.2571(17)(a)3. or EC 9.2751(17)(b)5.***
 2. ***The secondary dwelling is limited to 600 square feet in total building square footage, and 15 feet in height.***

3. *If the existing structure is closer than 5 feet to an interior property line, the adjacent property owner must provide written consent pursuant to EC 9.2751(7).*
- (c) ***Building Height.*** *A secondary dwelling may have a maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.*
- (35) ***Alley Access Lots. Building Height/Interior Setback.*** *A dwelling on an alley access lot may have maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.*

Section 9. The findings set forth in Exhibit D attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 10. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 11. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 12. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this
 ___ day of _____, 2014

Approved by the Mayor this
 ___ day of _____, 2014

 City Recorder

 Mayor