

**TESTIMONY OPPOSING APPROVAL OF
CA 21-1 “MIDDLE HOUSING CODE AMENDMENTS”**

Submitted by Paul Conte on November 16, 2021

Summary: The proposed “Middle Housing” code amendments fail to conform to the local and statutory requirements, including:

- The amendments are not consistent with statewide planning goals. EC 9.8065(1)
- The amendments are not consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans. EC 9.8065(2)
- The amendments are not “clear and objective.” ORS 215.416(8)(b), ORS 197.307(4), and ORS 197.831

Basis of testimony: The following testimony is based on the attached version of code amendments identified as “DRAFT AMENDMENTS FOR DLCD UPLOAD – 2021/09/21,” as retrieved from the City website on September 28, 2021.

Embedded comments: The attached PDF document (Exhibit A) includes 95 PDF “Sticky Note” comments. These are to be included in the record for CA 21-1 and made available in a readable form to the Land Use Board of Appeals in the event of an appeal.

Introduction

The proposed code amendments do not meet regulatory requirements and would be susceptible to remand on appeal, if not adequately revised.

This review and the comments cover the proposed code at several levels: Overall structure, substantive deregulatory elements, and technical aspects of the code text.

This proposal’s pervasive flaws at all levels are the predictable result of a poorly conducted project process. This process did not conform to the text and intent of Statewide Planning Goal 1 – Citizen Involvement, as explain in separate testimony submissions by myself and others.

The stark reality that proves how the process was calculated to discourage and diminish citizen involvement is that the City Planning Division staff sent fewer than sixty notices of the EPC Public Hearing to ordinary citizens who weren’t staff, lobbyists or otherwise “inside players” with some vested interest in deregulation of residential zoning.

In simple terms, the sham public process had no greater depth or breadth of public engagement than that which served to confirm the preconceived views of the Planning Division staff and members of the Eugene Planning Commission.

The staff and EPC goals were explicitly stated as “removing barriers to housing.” In more honest terms, the fundamental principle that actually underlay the public process was the discredited, neoliberal belief that deregulation and leaving what results to the “free market” will produce the best societal outcomes. What is proposed to be removed are, in truth, barriers to rapacious redevelopment by greedy investors.

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The *New York Times* did an [in-depth interview](#) with [Ananya Roy](#), professor of urban planning, social welfare and geography at U.C.L.A., where she also directs the **Institute on Inequality and Democracy**. In recent years, she and the institute have turned their focus to housing and homelessness. Their work is deeply tied to tenant and anti-gentrification activists. She has been one of the most pointed and consistent critics of pure market-based housing advocacy, often couched as “all housing matters.”

“I want to make a distinction between “all housing matters” and housing justice. Housing justice is a set of programs and policies focused on the experiences and needs of communities **on the front lines of dispossession and displacement**. It recognizes that the land and wealth loss suffered by such communities has often been the grounds for gentrification and other forms of urban development. **Most important for the issue at hand, housing justice insists that the housing market is the problem, not the solution.**”

In Eugene, and across the nation, there are literally millions of dwellings that private equity firms have acquired and “securitized” in a brutal strategy of using economic manipulations to force potential home buyers to a life as “permanent renters” that provide a stream of rental income that can be “monetized.” It takes only a small amount of time on the Internet to learn how this strategy has several “prongs,” one of which is exploiting deregulation of (nominally) “single-family” neighborhoods to redevelop housing that was relatively affordable to lower income households and create rentals (homes, plexes, and apartments) priced for above average income households. The “Missing Middle Housing” scam is just one weapon in the arsenals of large and small investors.

[Blackstone](#) and other international private equity funds could not have scripted more perfect code amendments than the local planners’ proposal to “remove barriers” to the funds’ rapacious gentrification strategies.

The staff’s and commissioners’ overarching failure, which will lead to *worsening* housing affordability for lower-income households, is that the proposed, extreme deregulation is not accompanied by a single measure to protect these vulnerable households and hasn’t got a single element that will ensure the resulting densification will pass along at least some of the potential development cost reductions as lower rents.

The widely available evidence – totally ignored by staff and commissioners – overwhelmingly demonstrates that deregulation must be very carefully designed and fit the conditions of multiple, local housing submarkets and must also include provisions for producing lower-cost housing and preventing displacement.

Staff and planning commissioners have obstinately refused to develop **any** evidence-based findings to identify the impacts – good or bad – from an upzoning that would allow **five times** the current maximum density in the built-out, older Eugene neighborhoods where many relatively affordable rentals exist amongst more expensive housing in “high opportunity” neighborhoods in the central urban areas. The glaring proof of this negligence is the fact that the proposed action that the public is supposed to weigh in on explicitly leaves out the *required* demonstration of conformance with applicable refinement plan policies. EC 9.8065(2)

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Staff’s and commissioners’ entire flimsy basis for the extreme level of deregulation is based on false narratives of “racially exclusionary zoning,” “trickle-down supply-and-demand,” “filtering,” “more housing choices,” and “equitability” – not a one of which is supported by evidence, and none of which stands up to the most basic scrutiny. There is nothing behind this proposal other than the self-interest of vocal individuals and organizations and zealots who want to [“virtue signal.”](#)

Staff recommendation far exceeds HB 2001 requirements

Staff admits that the recommended deregulation far exceeds what is required by HB 2001. Yet the **only** supporting evidence and argument for this overreach is a completely invalid claim that the “community” supports “incentivizing” something. Staff falsely represents that the community supports more extreme deregulation (e.g., substantial reductions in minimum lot size). However, there is no analysis to support that this will a) not be harmful, b) would be beneficial in any way (except for investors), and c) that the broad community supports such extreme deregulation.

And that omission is precisely why, thus far, staff’s recommendation utterly lacks what’s required to meet the statutory requirements that “the decision and record must be sufficient to demonstrate that applicable criteria were applied and “required considerations were indeed considered.” *Chapman Point Homeowners Association v. City of Cannon Beach*, _ Or LUBA_, (LUBA Nos. 2020-043/044, March 2, 2021) (slip op at 4), citing *Citizens Against Irresponsible Growth v. Metro*, 179 Or App 12, 16, n 6, 38 P3d 956 (2002).

The recommended code is based on a flawed organizational structure

The staff made a fundamental mistake when, without any training or competence in how to structure code, staff (and APG, the city’s consultant who also lacked basic code-writing skills) chose to “hack” the existing R-1 Zone code, which is already terribly organized and poorly written. The extensive errors and bad form in the draft code would have been a sign to a good project manager that the city needed the services of someone who was experienced and proficient at writing sound code.

It would have been (and still would be) much more effective, transparent, and honest to have created two *new* zones and rezoned the current R-1 properties to one of these two zones – a “Middle Housing Infill Zone” and a “Middle Housing Greenfield Zone.”

A “Middle Housing Infill Zone” could have quickly and with a sound foundation in both the concepts and public support have been built upon the model of the highly evolved **Jefferson Westside Special Area Zone**. That approach would have met the HB 2001 requirements but have appropriate corresponding lot and development standards to conform to the **Envision Eugene Pillar** to “Protect, Repair, and Enhance Neighborhood Livability.” Staff’s utter abandonment of Envision Eugene is astounding since it was probably the largest ever public engagement to establish policies to guide Eugene’s future land use and development. The EPC’s approval of staff’s disregarding Envision Eugene is another indication of the commissioners’ utter failure to respect citizens voices.

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A “Middle Housing Greenfield Zone” could have quickly and with a sound foundation in both the concepts and public support have been built upon the model of the **Downtown Riverfront Special Area Zone**, using forms-based code to support intensive, mixed-use development on larger undeveloped parcels. (The code for this special area code actually reflects an appropriate level of competence not present in the hacked R-1 Zone code.)

The recommendation is based on an unworkable, “big bang” (one phase) approach

The project lacked adequate analysis and genuine public engagement to support the extreme upheaval that’s proposed across most of Eugene’s residential areas. But even if there had been a legitimate, professional level process, the immutable law of “what you don’t know you don’t know” would have prevented getting everything “right” on the first try.

Code development is a demanding task, and “incremental, iterative” development is a well-established “best practice.” It is inescapable that neither the city planners nor the consultants they hired had even basic education and experience to be able to develop such a major set of new code provisions. The result, as we would say in the software business, is that the staff “built the wrong thing.” Instead of creating new zones with clean, well-designed criteria and accompanying regulations and incentives to produce what the community wants and needs, staff simply ripped a big hole in the existing code to increase density, the supply of luxury apartments, and inflated profits for investors.

The project should have been (and perhaps could still be) carried out in at least two phases. The first phase would be limited to the absolute minimum of deregulation required for HB 2001 compliance and repairing essential parts of the code that are currently “broken,” e.g., the lack of clear-and-objective standards for Willamette Greenway Permits.

This phase could have been easily completed by now with very little contention (and much less of taxpayers’ money wasted on an elaborate propaganda campaign) because no one disagrees that the city must, at some point, comply with HB 2001. This phase might reasonable have (and would have to now) just revise the current base zones and leave the creation of two (or more) new zones and the transparent rezoning to the second and subsequent phases.

One of the major political benefits of this approach would be that property owners and residents would be “awakened” to what’s happening to their immediate communities because the changes and impacts would be concrete, instead of clouded in the kind of amorphous fantasy exercises that have characterized the current process up until now.

The recommendations have been presented to the public in false, misleading, and opaque ways.

The recommendations are substantively a major *upzoning* of tens of thousands of nominally “single-family” homes and their surrounding neighborhoods. Yet by best estimates, fewer than ten percent of Eugene residents and property owners have received even a hint of what’s proposed by city planners. The most damning evidence is that the Planning Division staff sent fewer than sixty public notices of the EPC public hearing to individuals who weren’t staff, commissioners, consultants, or other “inside players.” Staff’s excuse: “We weren’t *legally required* to do more.”

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Staff shamelessly expects citizens to accept this “hiding the ball.” This would not have been acceptable to an **independent** Committee for Citizen Involvement, but the Planning Commission abdicated its responsibility as Eugene’s CCI to ensure that Statewide Planning Goal 1 – Citizen Involvement was faithfully implemented.

This failure puts the lie to any attempt to portray as legitimate “Citizen Involvement” the staff’s manipulation of public engagement, their neglect of any substantive analysis, and their relentless, self-serving propaganda campaign.

The staff cannot even explain critical elements of their own recommendations.

Despite repeated attempts for clarification, the HB 2001 implementation staff have not been able to answer the most basic questions, such as where and how the recommended code will limit the number and mix of “middle housing” structures that can be built on (e.g.) a 9,000 s.f. lot. In simple terms, the actual language in the proposed code amendments would almost certainly allow two or more fourplexes. Yet staff cannot (or will not) provide straightforward answers about what is intended and where and how the code implements that intent in a clear-and-objective manner.

The staff have also been unable (or unwilling) to resolve the completely unworkable definitions related to “dwelling,” “dwelling development type,” etc. (see comments in the accompanying code document).

There are numerous other examples, which are documented in comments in the accompanying code document, as well as in the series of questions I have submitted to staff. The proposed code does not comply with the “clear and objective” requirements of ORS 215.416(8)(b), ORS 197.307(4), and ORS 197.831, and will be remanded on appeal if not fixed.

The staff admit they have done no assessment, analysis or code development related to affordability, displacement, sustainability, safety, etc.

The full list was provided in prior testimony, based on concrete evidence I collected from Public Records request of the staff. When you match all of those neglected issues against the list of Statewide Land Use Planning Goals (1, 2, 6, 7, 10, 11, 12, 13, & 15) and the *Metro Plan* and refinement plan policies (enumerated separately), it’s abundantly clear that the staff is unprepared to provide any reliable answers to public questions about the impacts.

This negligence by staff *might* be excusable if the recommendation were for the minimal deregulation that is dictated by HB 2001. However, because the staff proposal so exceeds what’s required with extreme levels of deregulation – ***despite substantial evidence of potentially harmful impacts*** – the proposed amendments fail to ensure in any way that the result will meet the following purpose of Eugene’s Land Use Code:

EC 9.0020 Purpose. The purpose of the land use code is to protect and promote the health, safety, and general welfare of the public and to preserve and enhance the economic, social, and environmental qualities of the community.

The most serious problems with the staff code recommendation.

Comments in the accompanying code document identify scores or policy and technical problems with the proposed code. Of these, the following are the most extreme and harmful to housing affordability, neighborhood stability and livability, and climate change.

1. *Redefining duplex, triplex, and fourplex to allow **detached** dwellings.*

This recommended code amendment is nothing more than a dishonest swindle to allow multiple, detached dwellings – which are not by any definition actual “middle housing.” If elected officials believe that the broad community supports quintupling the allowable density for *detached* dwellings and that this radical upzoning would produce benefits, such as lowering housing costs, then the staff and commissioners should make an honest recommendation to allow such development explicitly, rather than deceptively promoting detached “duplexes,” “triplexes,” and “fourplexes” as “middle housing.”

Substantively, there is only one likely outcome of such a major upzoning – investor redevelopment by demolishing existing houses, most notably reducing the inventory of “naturally occurring affordable housing” (“NOAH”). The Planning Commission has been provided a local example just west of Willamette St. on W.15th Ave.

Because of SB 458, this deceptive redefinition of plexes also opens the Pandora’s box of development that is **more wasteful of land**, which is directly contrary to the whole argument that plexes are less costly and more energy efficient than detached housing. Of course, the brazen landgrab that was pushed into HB 2001 and SB 458 by the Oregon Home Builders Association, is being propagandized as a means of providing “affordable home ownership.” If that’s to be the true outcome, then the city should require that what gets developed as detached plexes is made available for purchase at an affordable price. (I.e., while attached plexes would be allowed unconditionally, detached plexes would be allowed only as affordable houses for sale.)

2. *Extreme reduction in minimum lot sizes for multi-unit development*

The premise of “middle housing,” which is not without merit, is that a multi-dwelling structure that was at the same scale as detached, single-family dwellings in the surrounding area could fit and be appropriate on the same sized lot that was required for a single-family dwelling.¹

The minimum requirements of HB 2001 (and SB 1051) achieve that by goal by dictating that all lots that allow one detached dwelling also allow an ADU as an additional dwelling or a duplex. The resulting doubling of density of 4,500 s.f. lots is likely to be supportable by an analysis of the various impacts; but in any case, it’s required by statutes.

¹ And also, a standard lot could reasonably have a primary dwelling and an ADU. This is, in fact, exactly what the JWN neighborhood did when residents and property owners initiated the **Jefferson Westside Special Area Zone** and allowed two dwellings *in any configuration* on all standard lots.

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What there is neither need for, nor any analysis to support, is to double density again by **halving** the minimum lot size to 2,250 s.f. for duplexes. Similarly for the equivalent doubling twice over by allowing fourplexes on what had been the minimum for one dwelling. Likewise, allowing three dwellings on a lot that’s 1,000 s.f. smaller than the requirement for a single dwelling is neither necessary, nor supported by any analysis.

Although the HB 2001 requirements were pulled out of thin air, with no supporting analysis and without any consideration for the context, the HB 2001 dictates provide what the code must and should only allow: 4,500 s.f. for duplexes, 5,000 s.f. for triplexes, and 7,000 s.f. for fourplexes.

This is not to foreclose smaller minimum lots sizes for *greenfield* development, as a “bonus” for constructing meaningful “affordable housing,” or in certain contexts with certain designs. All of those potential changes should be deferred to a second or later phase of code amendments.

3. *Extreme increase in maximum lot coverage for multi-unit development*

Staff has admitted that the proposed increase in maximum lot coverage will allow structures to cover the entire area within setbacks on most lots in the R-1 Zone.

This is an unfathomable deregulation in the face of allowing five times the current density. There is no analysis of the exacerbation of stormwater pollution and flooding impacts nor any analysis on the potential for cutting down of mature, carbon-sequestering trees – particularly because the staff has recommended that there be no tree protection standards. (Staff blatantly lies when they say that can’t be done because detached, single-family houses are exempt from tree standards. Obviously, tree protection standards could, and should, be applied appropriately to all residential development, including detached, single-unit dwellings, based on development footprints and other factors.)

In addition, increasing the maximum lot coverage provides an incentive in only one way – larger and consequently more expensive residential structures. This frankly idiotic proposal is like throwing gasoline on a fire in regards to promoting investors developing luxury apartments to replace NOAH.

4. *Substantially eliminating special area zones’ lot and development standards*

As even a Realtor with no knowledge of housing research could explain, the three most important factors driving housing market value are “location, location, location.” Which is why it is so incomprehensible that the planners and commissioners think that a one-size-fits-all, blanket upzoning makes sense.

One of the more ridiculous statements by staff and commissioners is that having only one set of so-called “middle housing” lot and development standards across all of the (nominally) “single-family” neighborhoods would increase equity. There probably isn’t a single, knowledgeable housing justice advocate who would agree that applying “equal” code amendments that deregulate residential zoning standards would produce

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“equitable” outcomes. Here are just two of many expert opinions that “blanket zoning” is a bad idea.

“Blanket changes in zoning are unlikely to increase domestic migration or to increase affordability for lower-income households in prosperous regions. They would, however, increase gentrification within prosperous regions and would not appreciably decrease income inequality. In contrast to the housing models, we argue the basic motors of all these features of the economy are the current geography of employment, wages and skills.” — Andrés Rodríguez-Pose and Michael Storper, ‘Housing, Urban Growth and Inequalities: The Limits to Deregulation and Upzoning in Reducing Economic and Spatial Inequality’ (May 2019). Available at SSRN: <https://ssrn.com/abstract=3383971>

“... it is important to consider the housing-market response to policy in terms of adjustments among housing submarkets. Analyzing the urban spatial structure as an array of housing submarkets can inform planners in better anticipating the overall effects of policy interventions as caused by housing submarket dynamics and spatial processes.” — Linda K. Bates, “Does Neighborhood Really Matter? Comparing Historically Defined Neighborhood Boundaries with Housing Submarkets.” Submitted as testimony for the record in CA 21-1.

Even a cursory exploration of gentrification and displacement research would have made clear to any competent planner or sentient commissioner that instead of eliminating the context-appropriate standards of Eugene’s special area zones, the implementation of HB 2001 should have, in the second and subsequent phases of code amendments, refined existing special area zones and created additional special area zones, particularly for areas identified as being vulnerable to gentrification and displacement.

The most egregious example is the proposed gutting of the **Jefferson Westside Special Area Zone**, which was overwhelmingly approved by the Planning Commission and City Council and which was explicitly designed to allow higher density, more flexible lot and development standards, and to protect and enhance opportunities for lower cost rentals and home ownerships.

If the staff and commissioners ignorant and misguided idea of “equity” were adopted, the first victims would be the older, small, very basic houses in the Jefferson Westside Neighborhood that provide exactly what’s hard to replicate – spatial dispersion of lower cost housing in “high opportunity” neighborhoods.

Perhaps nothing in the proposed code amendments reflects the staff and commissioners utter disconnect from reality than the proposal to gut the most evolved and socially responsible residential zone in Eugene.

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Summary of recommendations

The following list enumerates concrete actions that the Planning Commission should take in revising the staff’s recommended code amendments before the Planning Commission adopts a recommendation for the Eugene City Council:

1. **Structure HB 2001 and SB 458 compliance process into two phases:**
 - First: Minimal changes for compliance as soon as practicable (see #7)
 - Second: Potentially, context-appropriate further amendments (e.g., some areas and/or conditions where lot sizes are reduced)
2. **Structure amendments into at least two new zones:**
 - “Middle Housing Infill” (“R-MI”) – More stringent standards
 - “Middle Housing Greenfield” (“R-MG”) – Less stringent standards
3. **Simultaneously adopt code amendments and other measures to:**
 - Prevent/minimize/mitigate direct and indirect displacement
 - Address other impacts: Willamette Greenway, ADA, WUI, STRs, etc.
4. **DO NOT revert special area zones to their referenced zone’s development standards**

E.g., Do not revert the progressive S-JW Zone development standards to the wholly incompatible R-2 Zone standards. Just make the minimal amendments for compliance. Effectively getting rid of SAZs is counterproductive to affordable housing without gentrification.
5. **DO NOT redefine “plexes” to allow detached dwellings.**

This is the swindle that “activates” the disastrous SB 458.
6. **DO set lot size minimums at the maximum allowed by OAR:**
 1. SF-D and Duplex 4,500 s.f. (5,000 would actually be much better because it allows the parking requirement to be more appropriate)
 2. Triplex 5,000 s.f.
 3. Quadplex 7,000 sf.
 4. Townhouses 1,500 s.f.
 5. Cottage Cluster 7,000 s.f.
7. **DO NOT adopt the following deregulations:**
 - Increasing maximum lot coverage
 - Reducing minimum setbacks
 - Increasing maximum height
 - Reducing off-street parking more than required by OAR
 - Increasing the “Multi-unit” definition’s threshold from 3 to 5.
8. **DO adopt max floor area and/or max bedrooms for plexes and cottages.**

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9. **DO fix the broken "Dwelling" Definitions and other code that is ambiguous, internally inconsistent, etc.**

10. **DO NOT let the June 30, 2022 deadline be treated as if not fully meeting the deadline would be a disaster.**

The OAR states: "A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts **any provisions** of those Medium and Large Cities' development codes that conflict with the Model Code."

Note that the "Model Code" is NOT imposed as an "all-or-none" penalty. If a jurisdiction adopts *some* provisions that partially comply, those are what would apply. For example, if the jurisdictions adopted "Infill" code, but not "Greenfield" code, the Model Code would apply only to the scope of "Greenfield."

11. **Be aware of Measure 49 "trap door"** -- Once a deregulation code amendment (e.g., a greater maximum building height) allows something, the city may not be able to tighten the criteria later until five years have passed. This is a nuanced issue, which the staff has not understood or presented to the commissioners or public. I won a Oregon Supreme Court decision that prevented a disastrous interpretation the Home Builders Association attempted and which staff supported. Please get a complete and accurate history of this issue. The proper response is to proceed incrementally in phases, as recommended in #1.

Respectfully submitted,



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MIDDLE HOUSING CODE AMENDMENTS

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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 a 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, 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. 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  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-Plex  ~~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  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  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  Single Detached 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) Townhouse (See EC 9.5550)	S(6)	S		<u>SP</u>
Duple  Two-Family Attached on Same Lot	P(6)	P(6)	P(7)	P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.55500)	S(6)	S	S	S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.55500)	S(6)	S	S	S
Multiple Family Unit (3 or More Dwellings on Same Lot) (See EC 9.5500)	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 type  e 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 structure 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 9.5100)	C		C	S	S
Manufacturing					
Recycling, small collection facility (See EC 9.5650)	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 Single Detached Dwelling (1- Per Lot in R-1)  except as provided at EC 9.2741(107) for Churches, Synagogues and Temples)	P(2)		P(2)	P(2)	P(2)
 Secondary Dwelling (Either Attached or Detached from Primary One-Family Single Detached Dwelling on Same Lot)	P(23)		P(23)	P(23)	P(23)
Rearhouse 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(3)	PS(4)	PS(4)	PS(4)
Duplex (Two-Family Attached on Same Lot)	P(2)(4)		P(2)(4)	P(2)(4)	P(2)(4)
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.55050)	S(54)		S(4)	S(4)	S(4)
Four-plex (Four-Family Attached on Same Lot) (See EC 9.55050)	S(64)		S(4)	S(4)	S(4)
Cottage Cluster (See EC 9.5550)	S(4)		S(4)	S(4)	S(4)
Multiple-Family Unit Dwelling (3 or More Dwellings on Same Lot) (See EC 9.5500)	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 Dwelling. 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>	—	—
Outdoor Living AreaOpen Space (13)					
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>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~~  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:

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

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.


 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  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 15 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 1825 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- townhouse 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 2,250 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 (1)  (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 (2)  (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 (3)</u>  Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 <u>square</u> <u>feet</u>		3,600 <u>square</u> <u>feet</u>	3,600 <u>square</u> <u>feet</u>	3,600 <u>square feet</u>

Lot Frontage Minimum (1)

Interior Lot <u>(6)</u>	50 feet	20 <u>feet</u>	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot <u>(6)</u>	50 feet	20 <u>feet</u>	35 feet (9)	35 feet (9)	35 feet (9)
Curved Lot <u>(6)</u>	35 feet	20 <u>feet</u>	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  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 Single Detached 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 9.5500 .)		S	S
Rowhouse Townhouse (One family on own lot attached to adjacent residence on separate lot) (See 9.5550)	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 9.55050)		P <u>S</u>	P <u>S</u>
Four-plex (Four family attached on the same lot) (See EC 9.55050)		S	S
<u>Cottage Cluster (See EC 9.5550)</u>		<u>S</u>	<u>S</u>
Multiple Family Unit (3 or more dwellings on the same lot) (See 9.5500)	S	S	S
Manufactured Home Park (See 9.5400)			P(5 <u>3</u>)
* * *			

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 [9.3126](#) 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

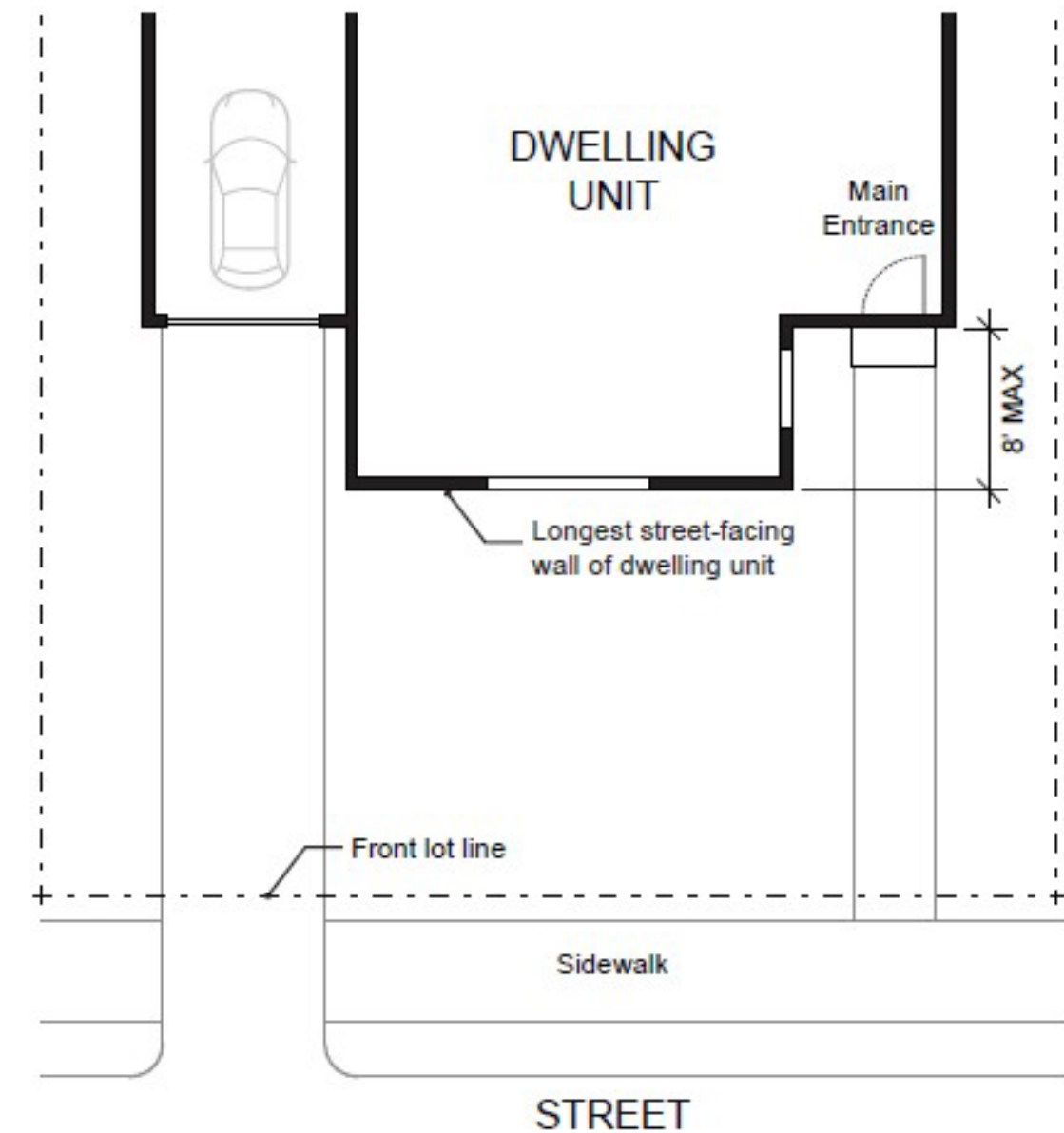


Figure 9.5550(4)(c)1.c.(2) Middle Housing Main Entrance at 45° Angle from the Street

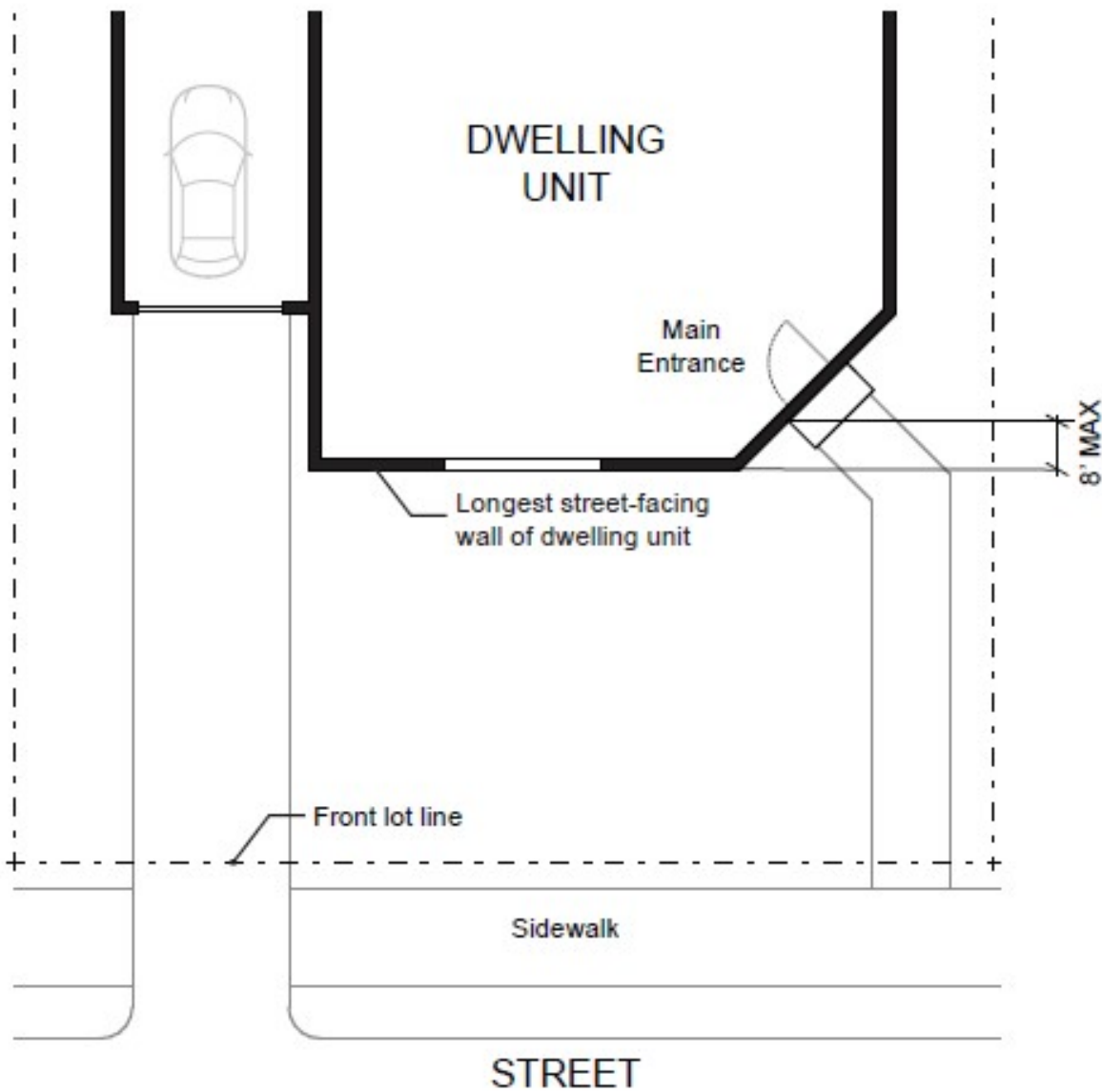


Figure 9.5550(4)(c)1.c.(3) Middle Housing Main Entrance Opening onto a Porch

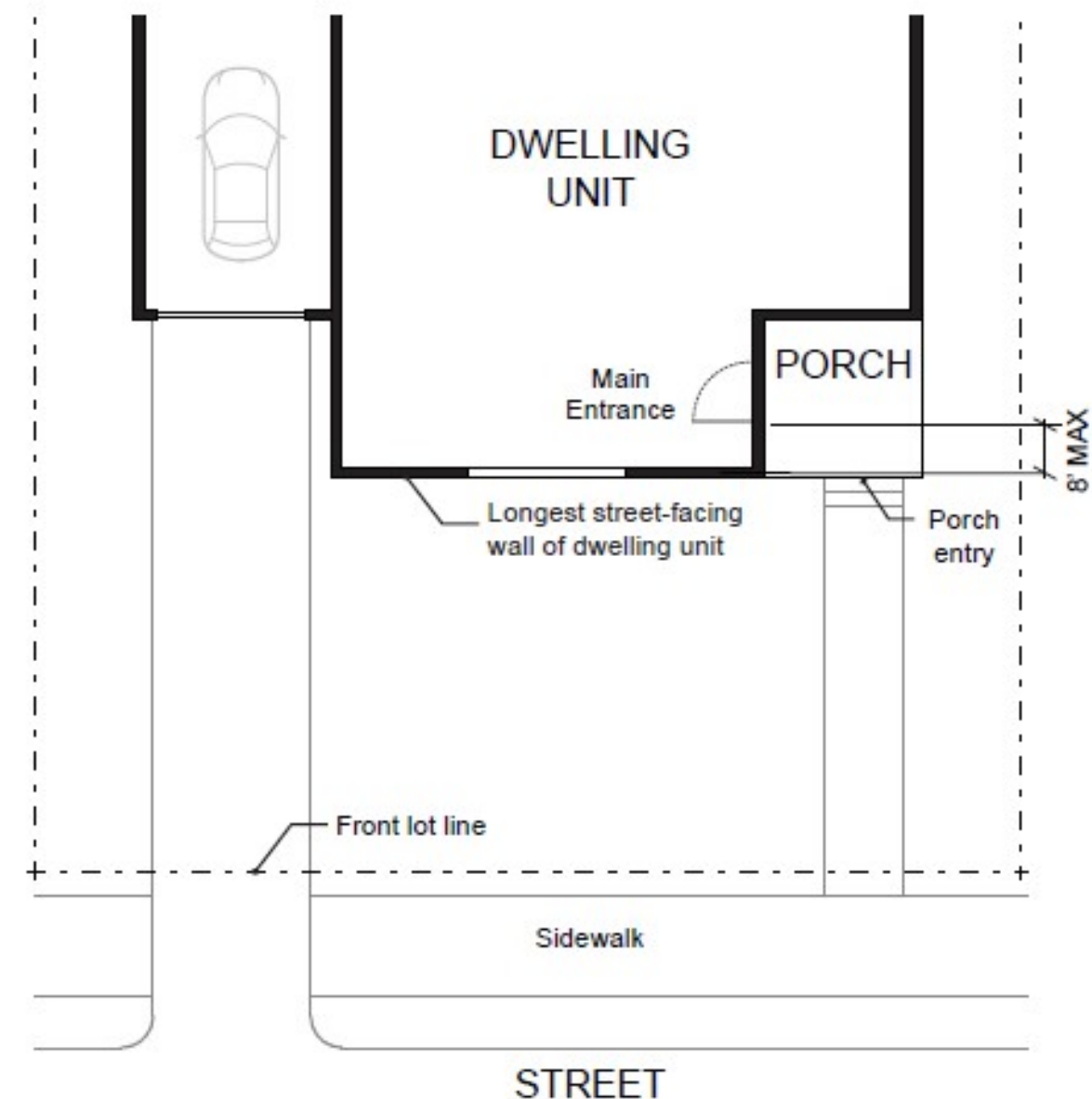


Figure 9.5550(4)(c).1.c.(4) Middle Housing Main Entrance Facing Common Open Space

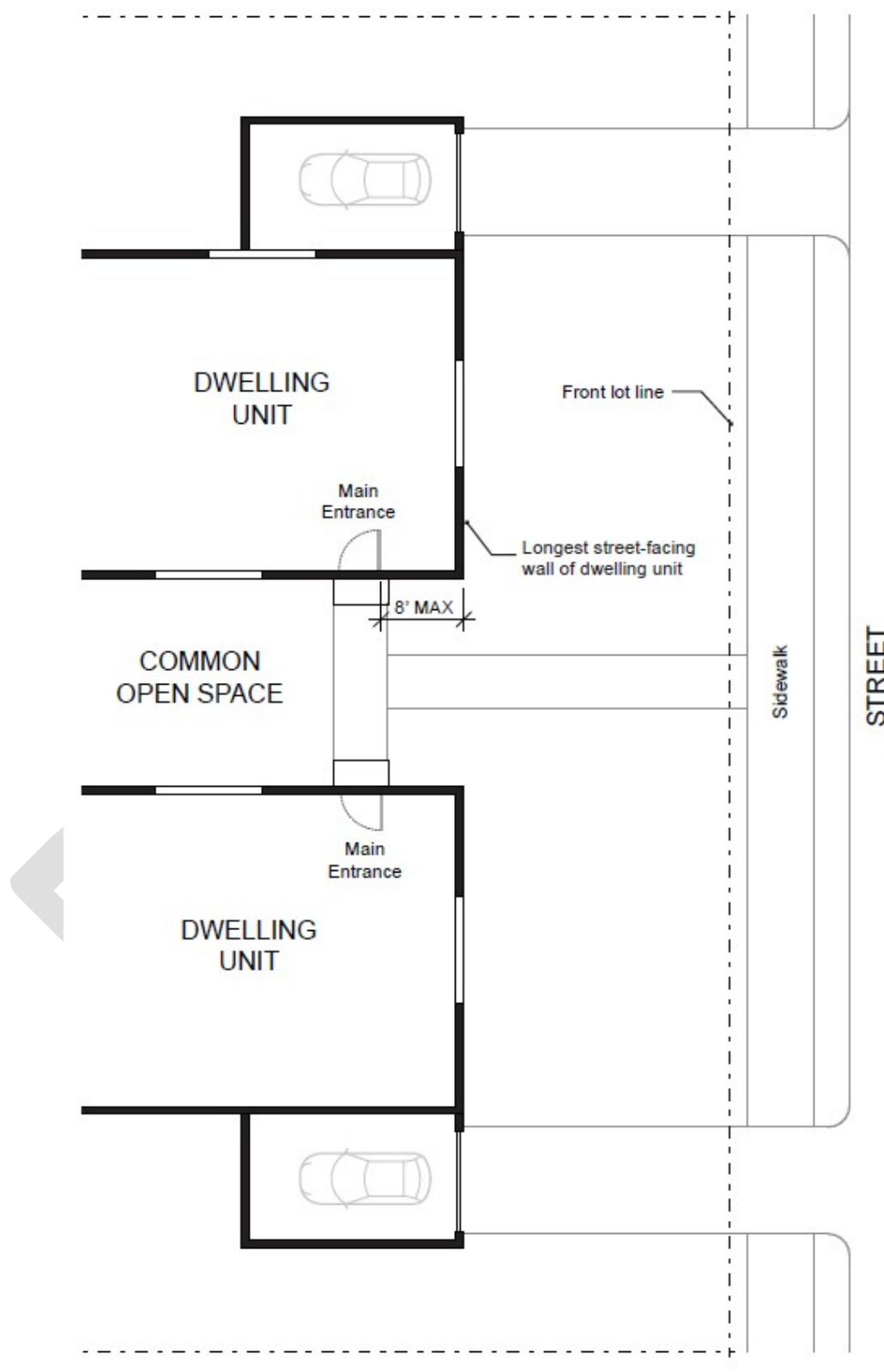


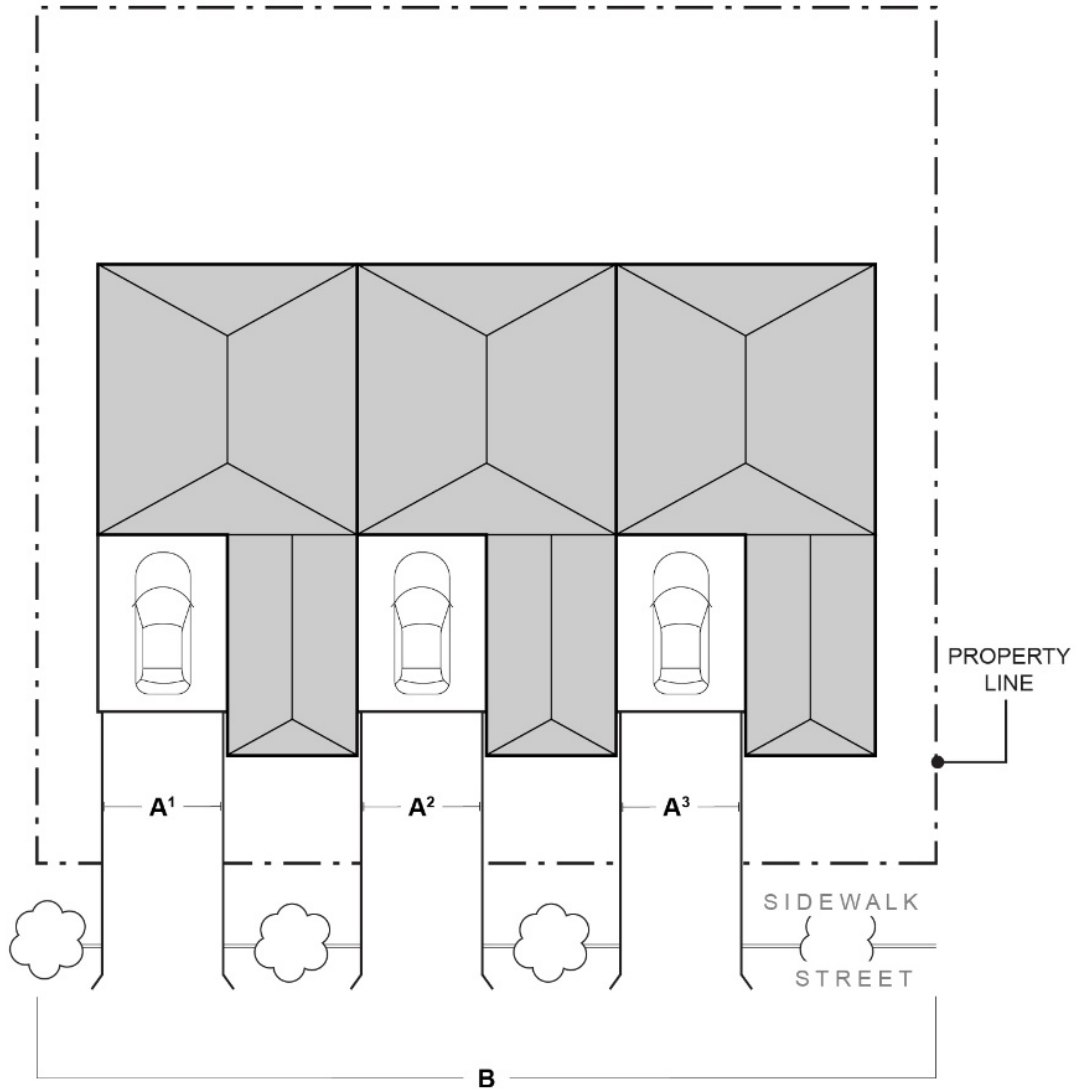
Figure 9.5550(4)(c)2.a. Middle Housing Window Coverage



STREET-FACING FACADE

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

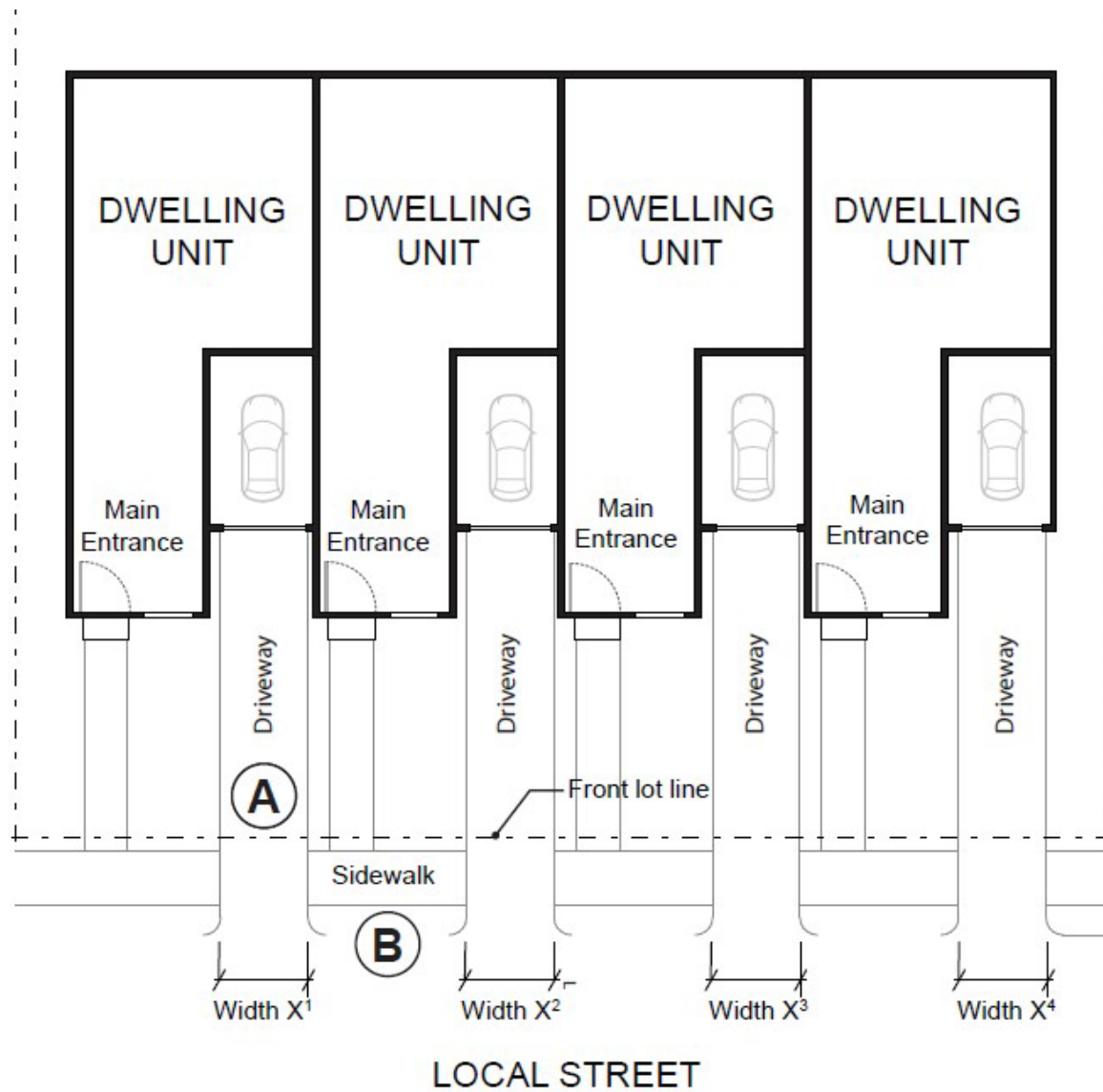
Figure 9.5550(4)(a)2. Triplex/Fourplex Width of Garages and Parking Areas



- Ⓐ 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

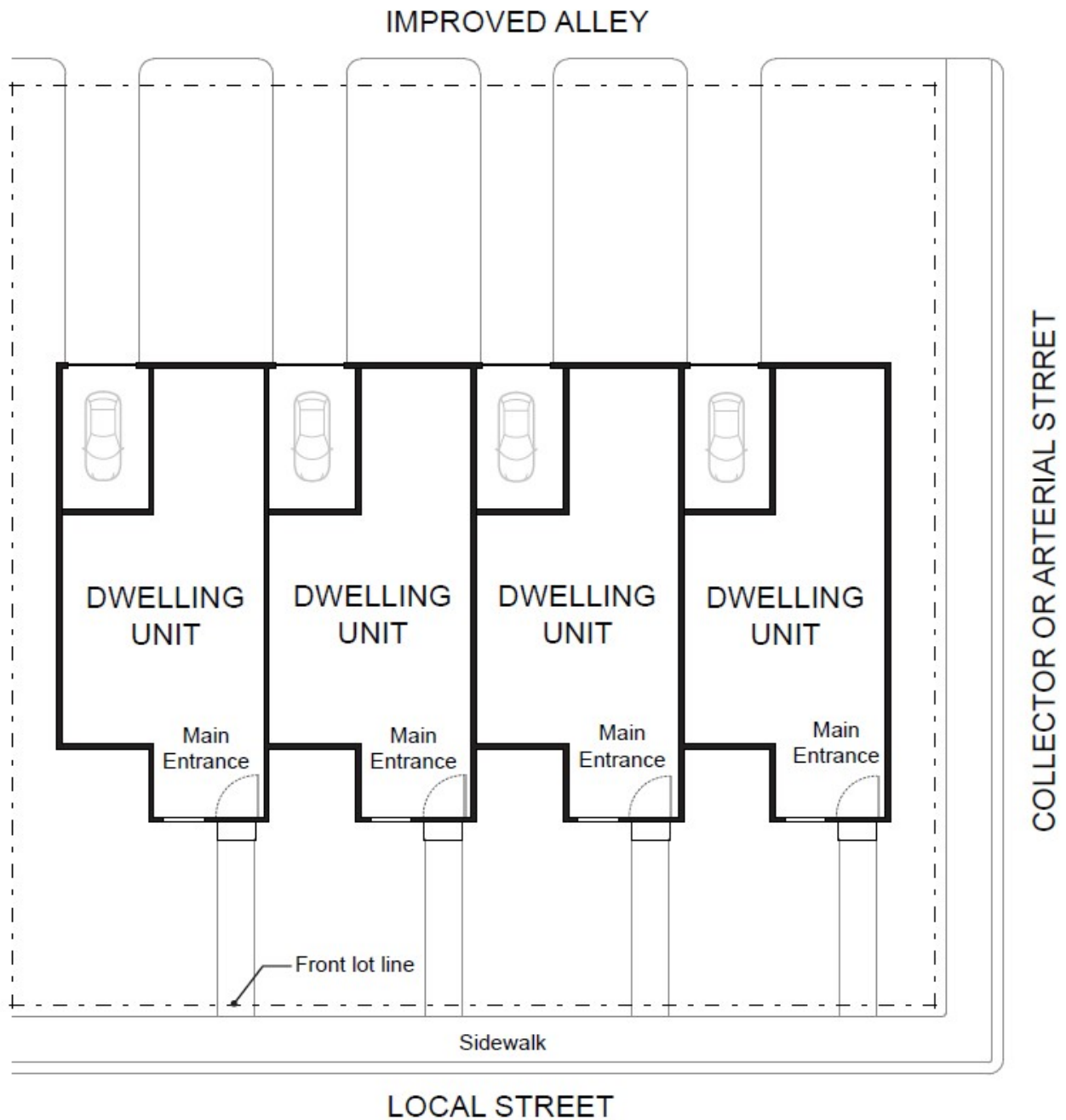
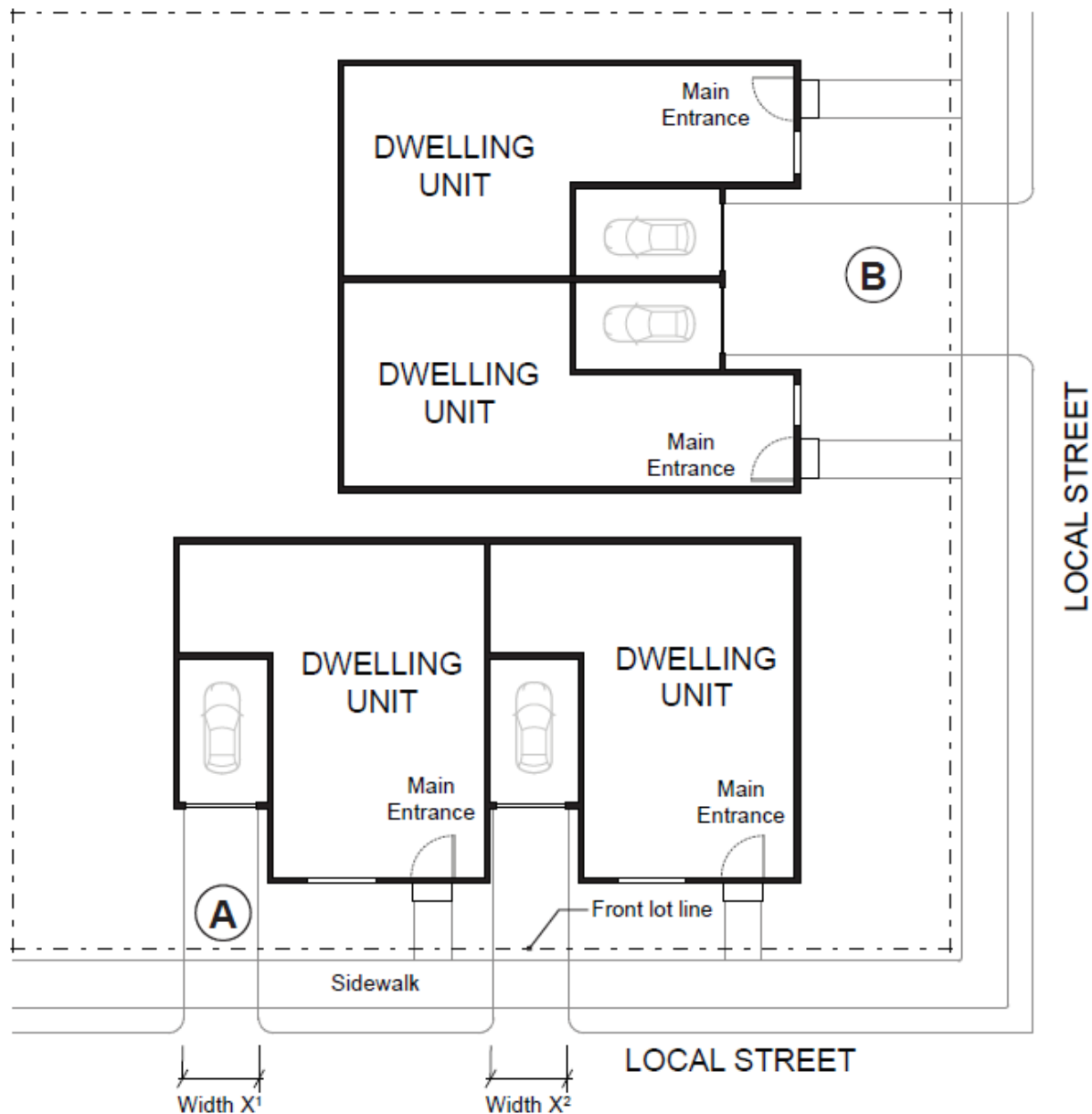


Figure 9.5550(4)(b)5.b.(2) Triplex/Fourplex Driveway Approach Options for Multiple Local Street Frontages

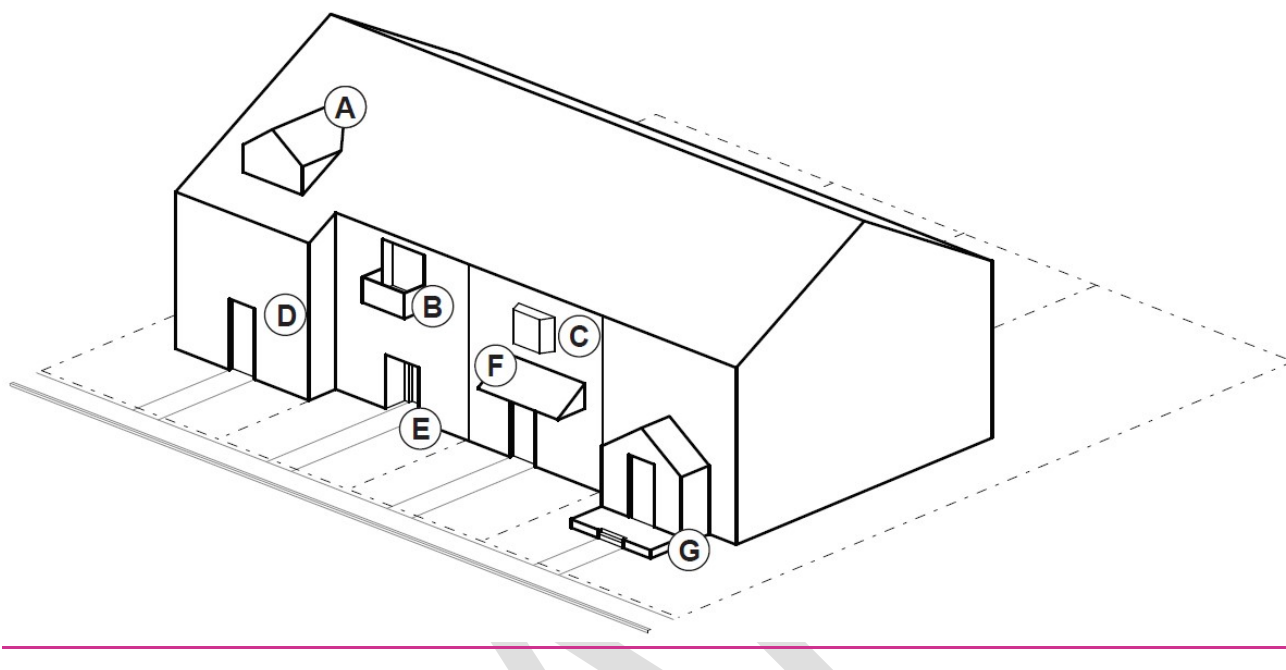


Options for site with more than one frontage on local streets:

- 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

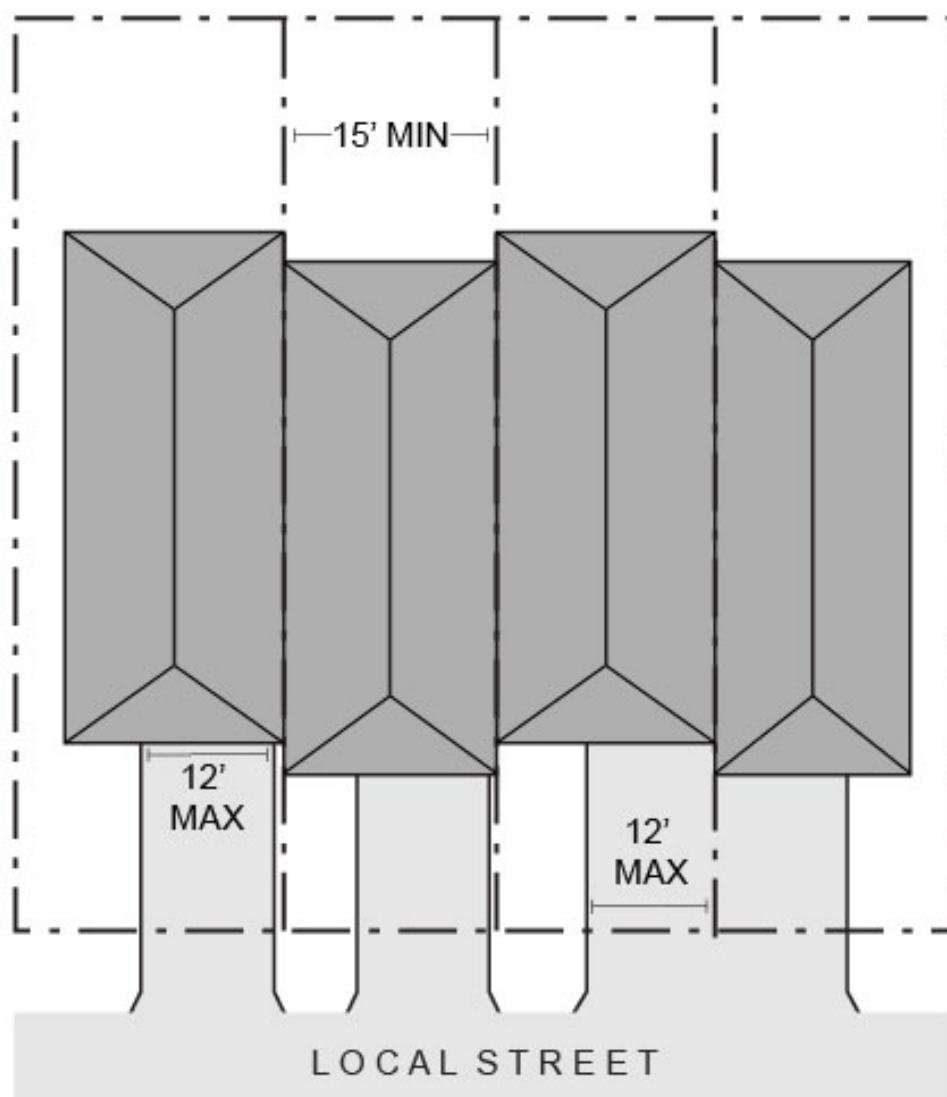


Figure 9.5550(5)(c)3.b. Townhouses on Corner Lot with Shared Access

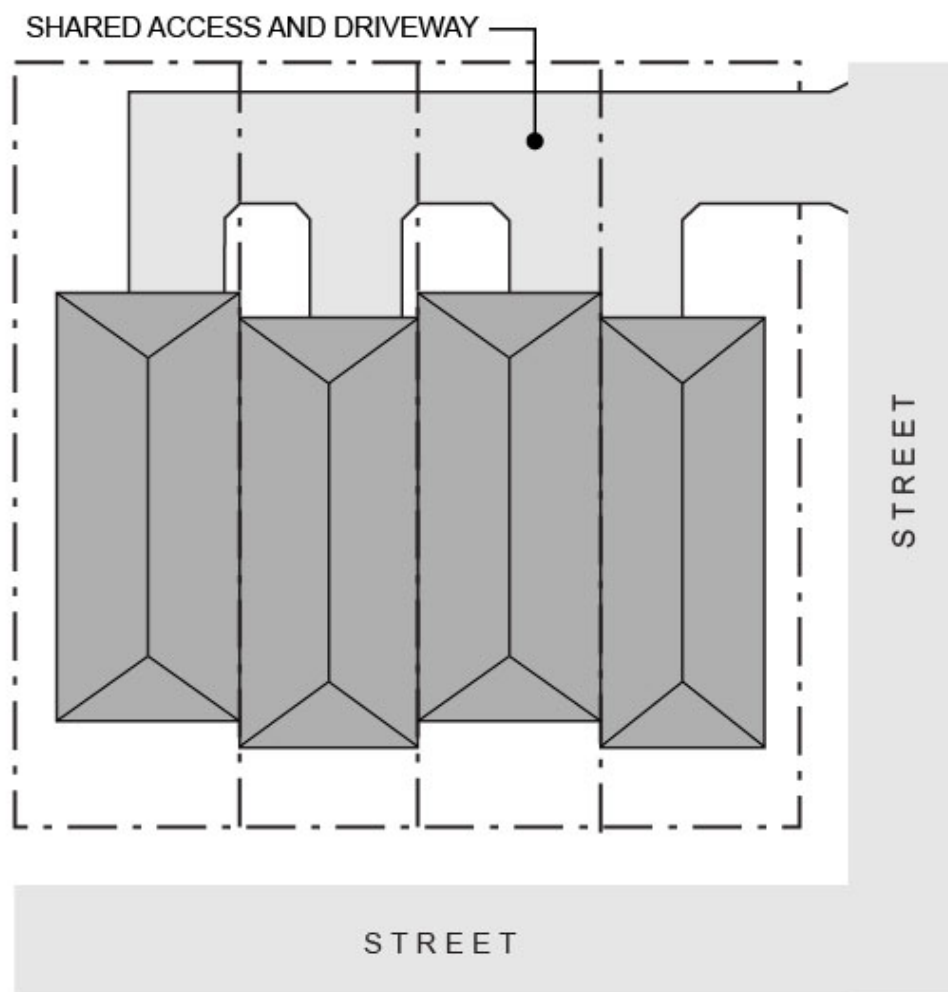


Figure 9.5550(5)(c)3.c. Townhouses with Consolidated Access

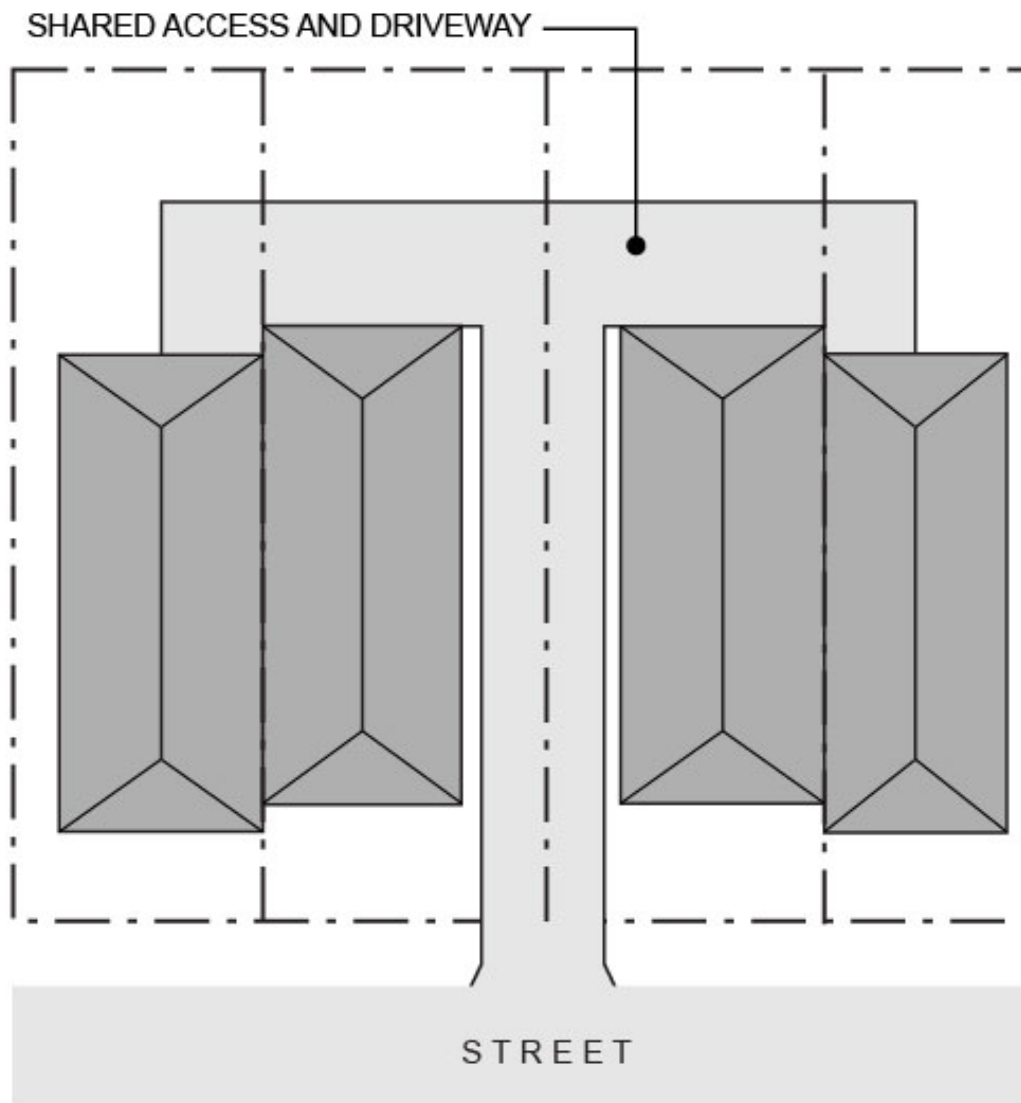
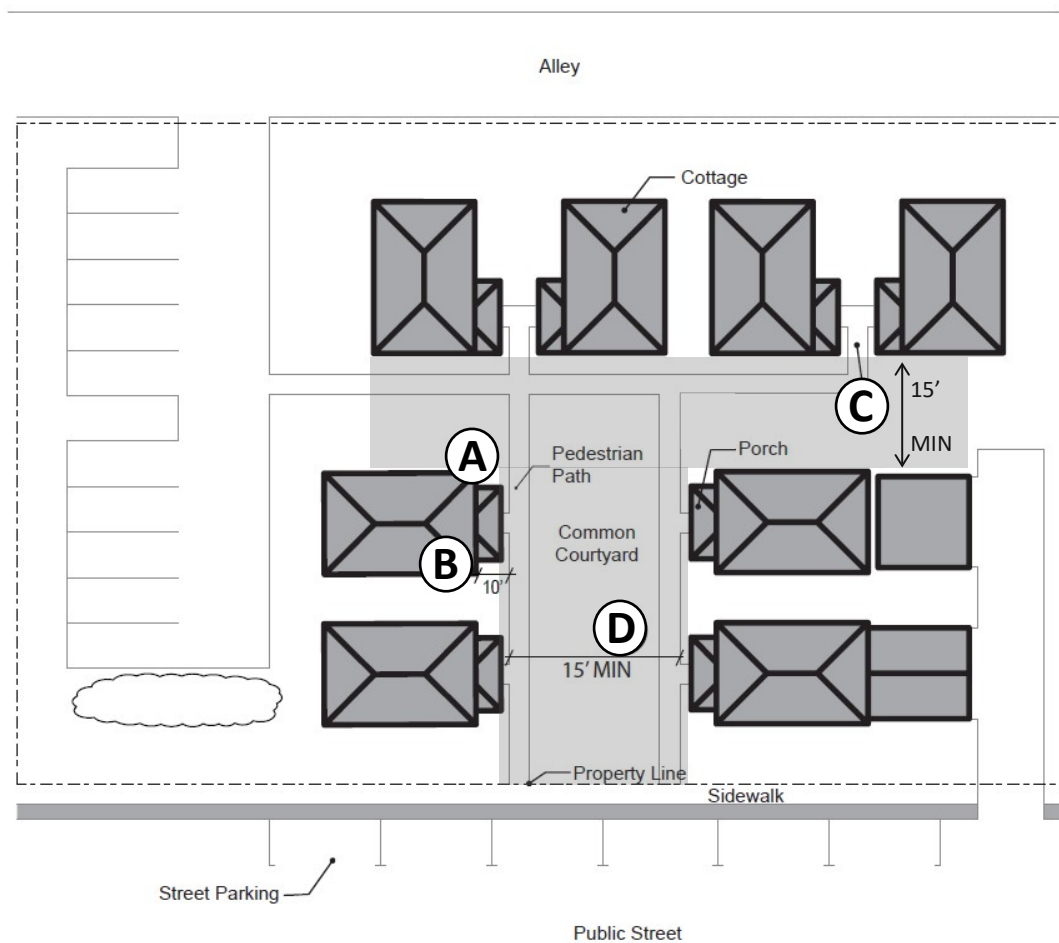
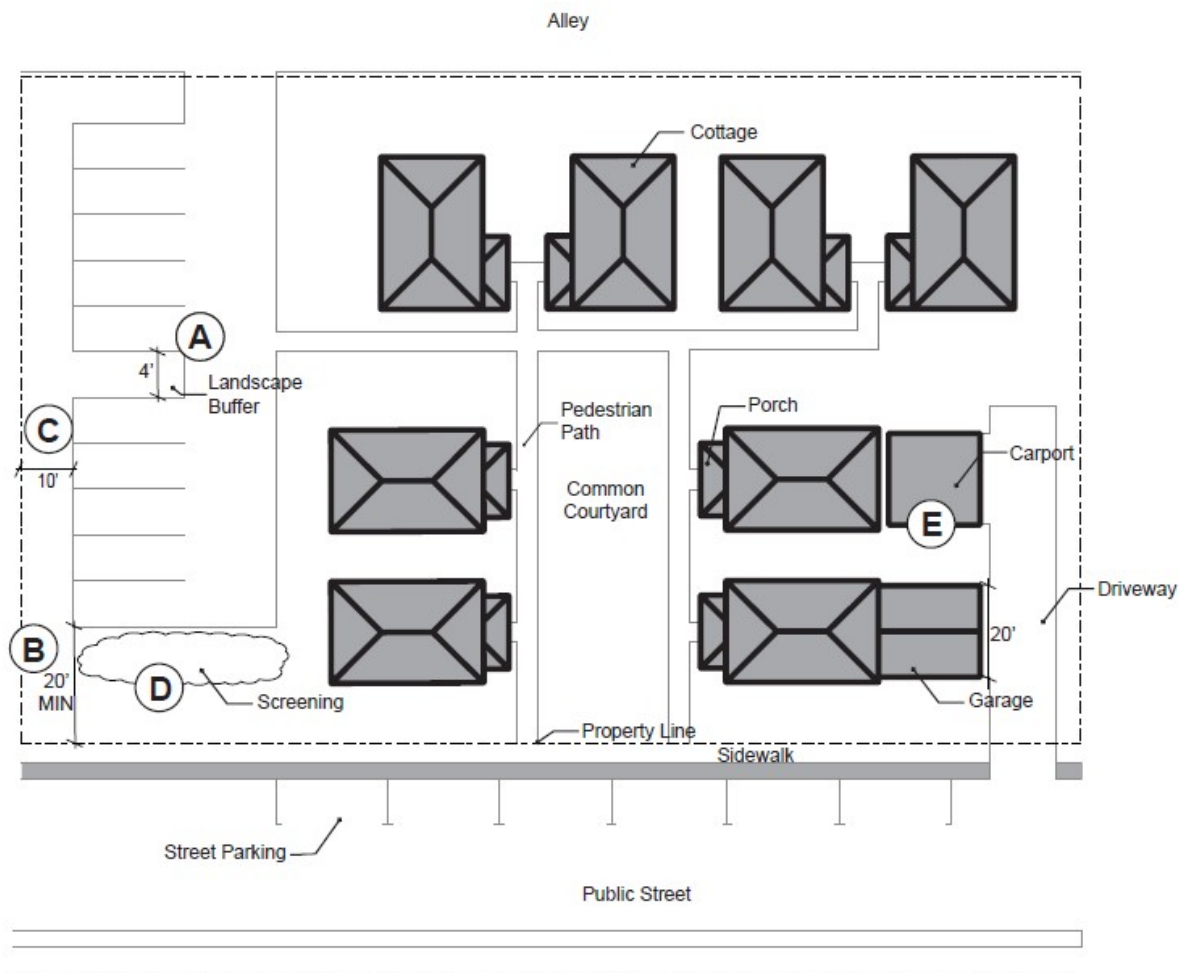


Figure 9.5550(6)(b)-(c). Cottage Cluster Orientation and Common Courtyard Standards

- (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, 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
<u>Expedited Land Division</u>	<u>N/A (See 9.7900)</u>	<u>D</u>	<u>A</u>			
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 <u>9.7700</u>)				R	D
<u>Middle Housing Land Division</u>	<u>N/A (See 9.7900)</u>	<u>D</u>	<u>A</u>			
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~~) EC 9.3055 S-C Chambers Special Area Zone Siting Requirements.
- (~~h~~) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.
- (~~i~~) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.
- (~~j~~) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.
- (~~k~~) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.
- (~~l~~) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.
- (~~m~~) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.
- (~~n~~) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.
- (~~o~~) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.
- (~~p~~) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.
- (~~q~~) EC 9.4160 /CL Clear Lake Overlay Zone Siting Requirements.
- (~~r~~) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
- (~~s~~) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
- (~~t~~) 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.

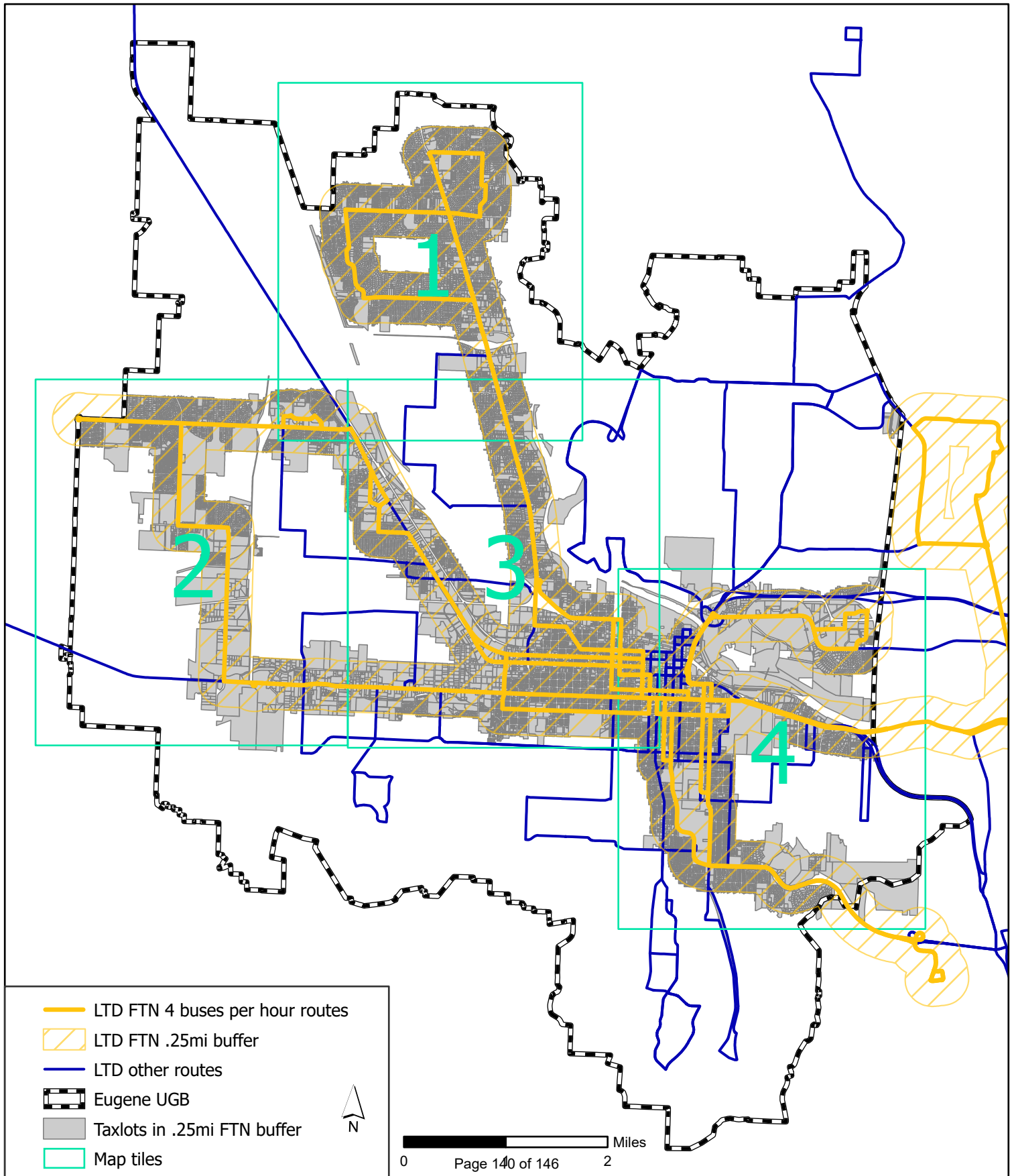
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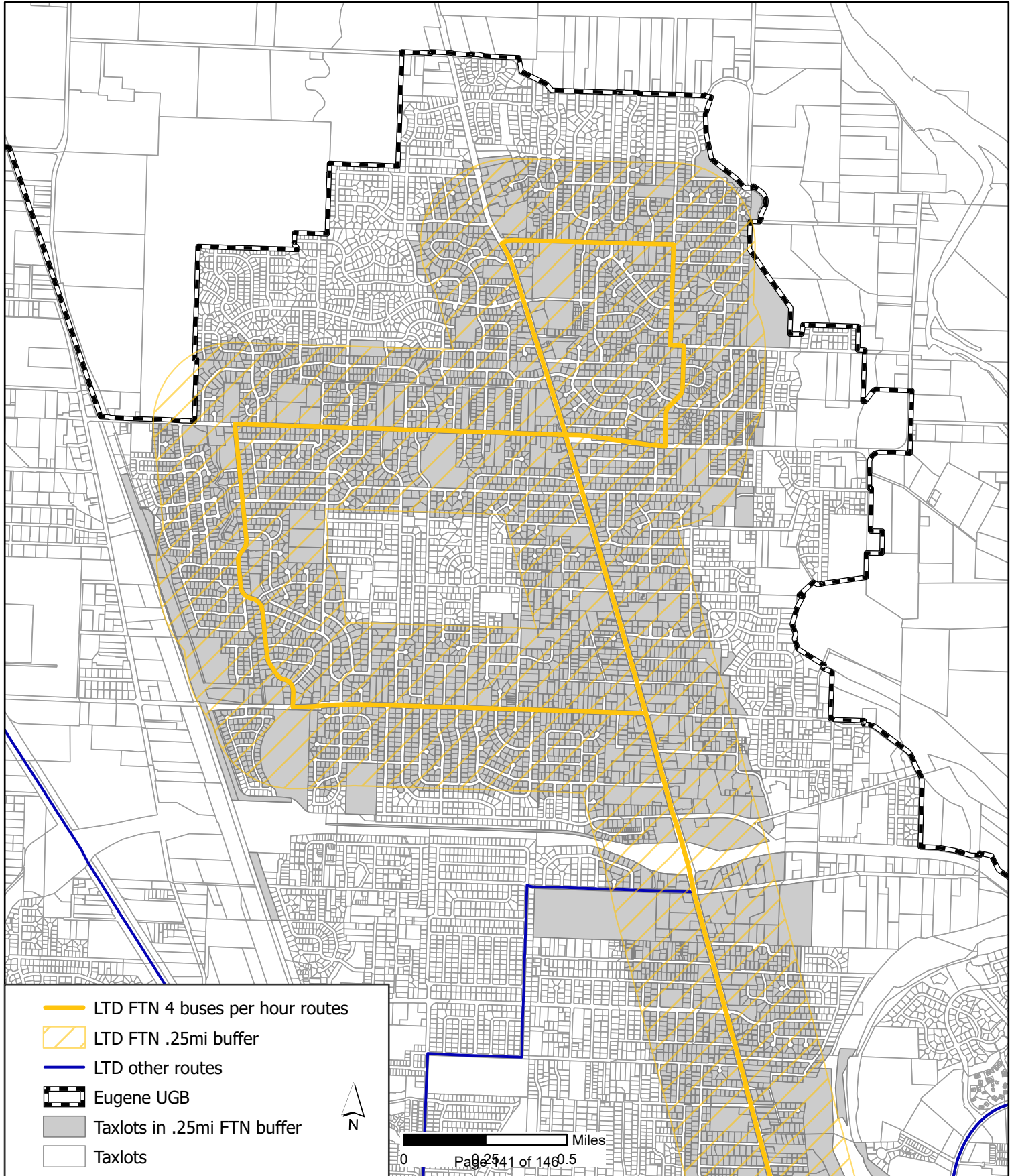
Frequent Transit Routes

Overview Map



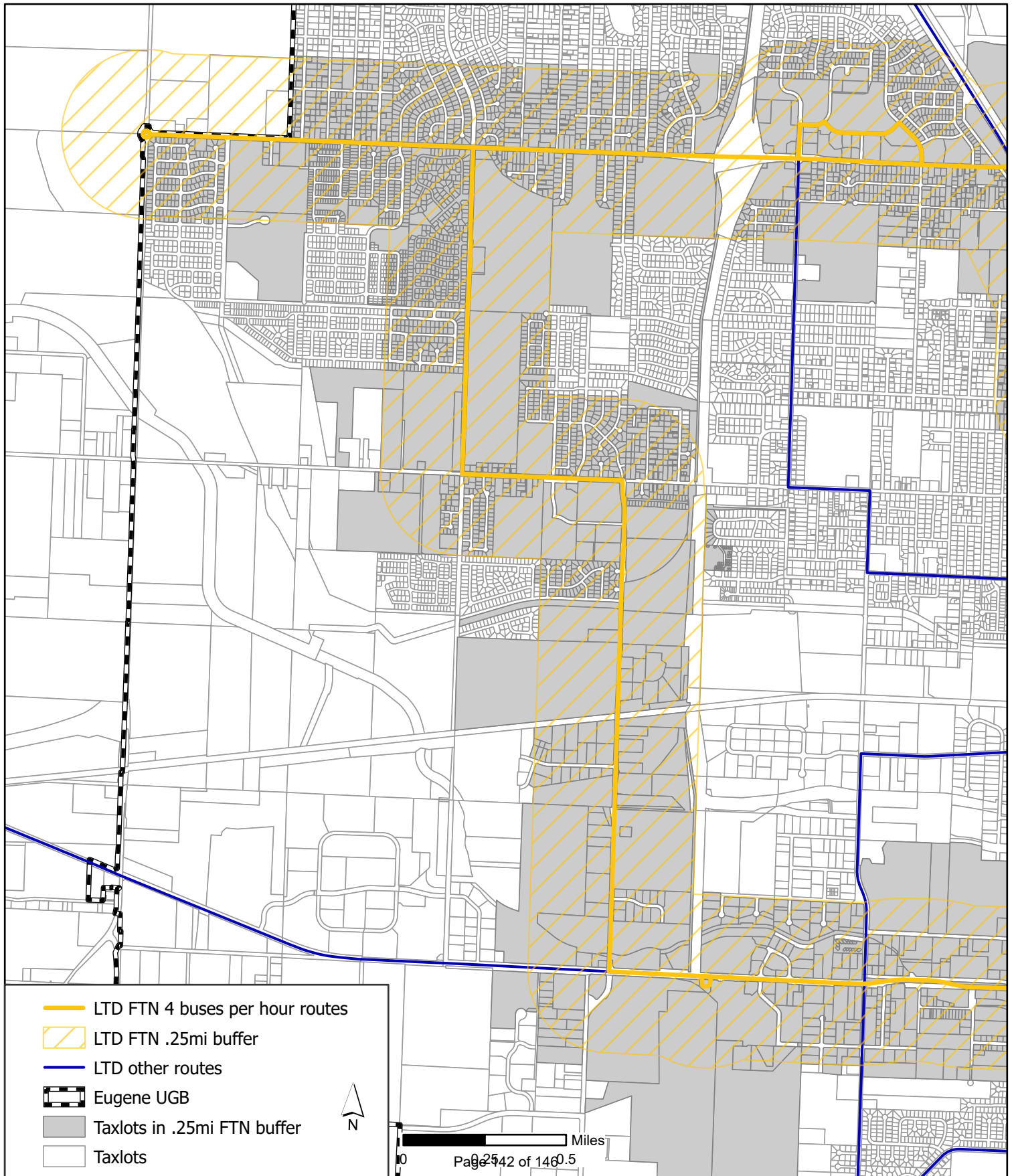
Frequent Transit Routes

Map Tile #1



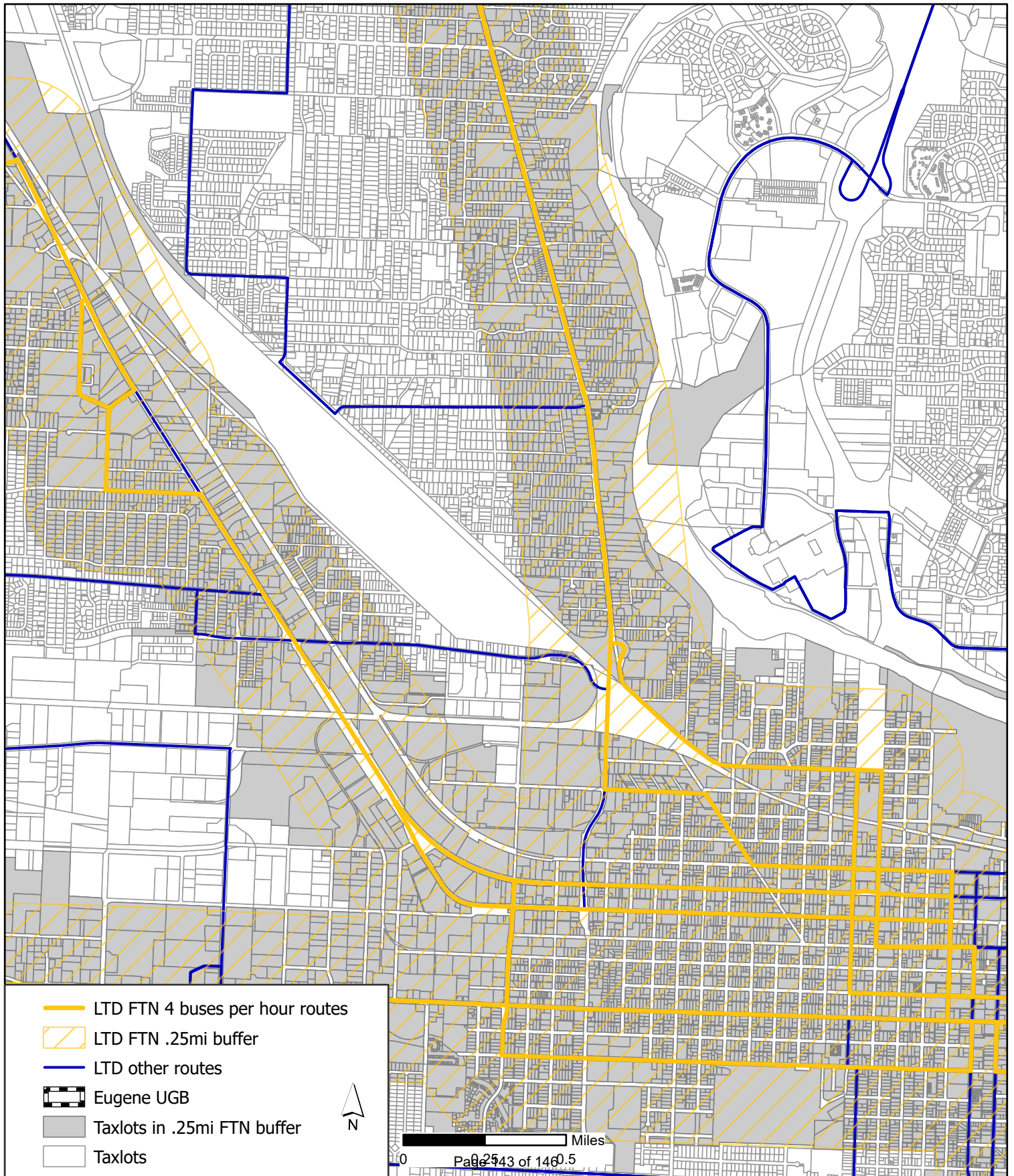
Frequent Transit Routes

Map Tile #2



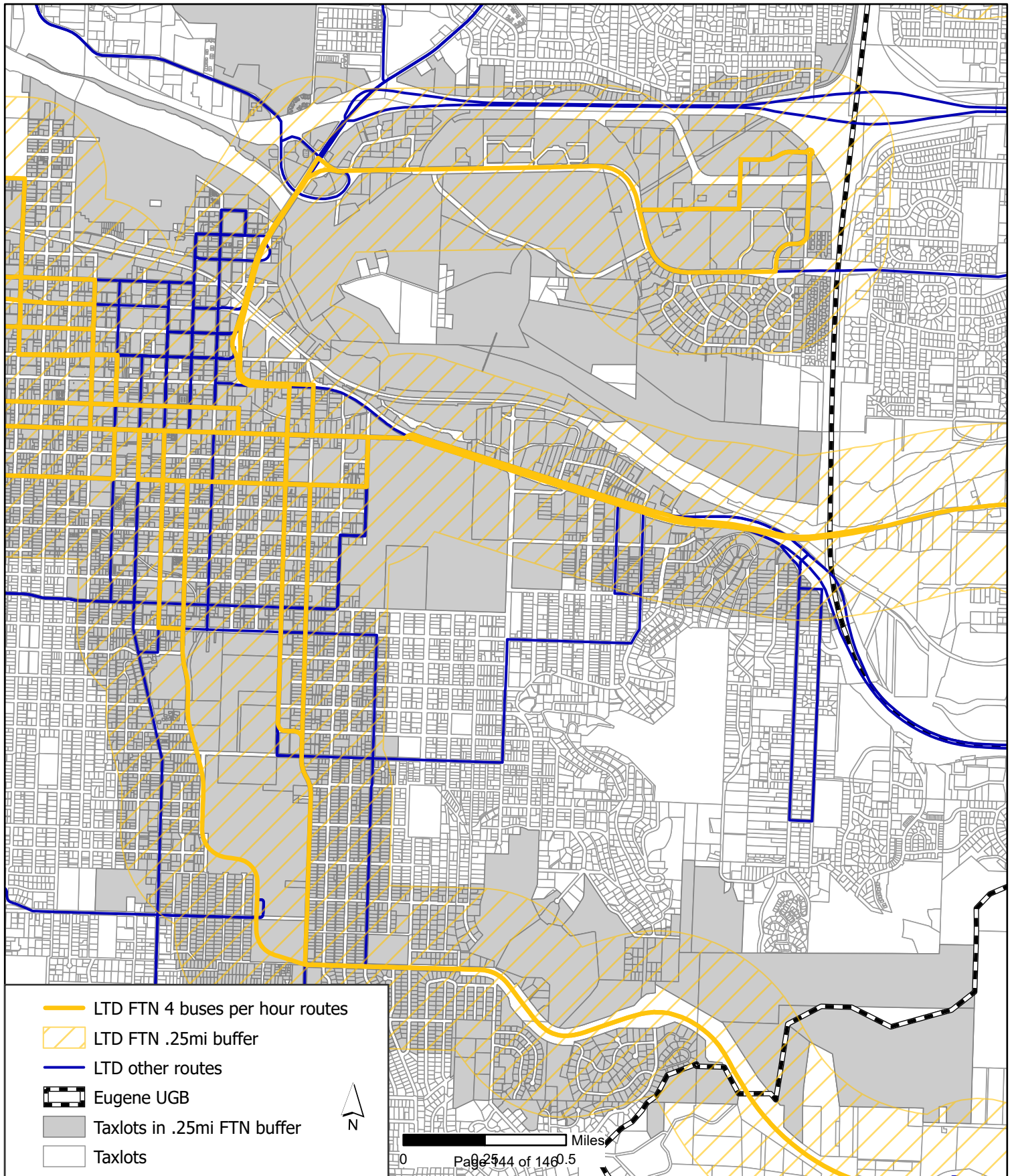
Frequent Transit Routes

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.