

## **General Administration**

### **General**

**9.0010** **Title.** Chapter 9 of the Eugene Code, 1971, is known and may be cited as the “land use code.” When referring to specific sections of the Eugene Code, 1971, the letters EC should precede the numerical designation. References to “this code” are references to the Eugene Code, 1971.

*(Section 9.0010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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.

- (1)** The land use code is intended to effectively and efficiently implement applicable state and federal laws, the Metro Plan, and the following policies from the Growth Management Study:
- (a) Support the existing Eugene Urban Growth Boundary by taking actions to increase density and use existing vacant land and under-used land within the boundary more efficiently. (Policy 1)
  - (b) Encourage in-fill, mixed-use, redevelopment, and higher density development. (Policy 2)
  - (c) Encourage a mix of businesses and residential uses downtown using incentives and zoning. (Policy 3)
  - (d) Improve the appearance of buildings and landscapes. (Policy 4)
  - (e) Work cooperatively with Metro area partners (Springfield and Lane County) and other nearby cities to avoid urban sprawl and preserve the rural character in areas outside the urban growth boundaries. (Policy 5)
  - (f) Increase density of new housing development while maintaining the character and livability of individual neighborhoods. (Policy 6)
  - (g) Provide for a greater variety of housing types. (Policy 7)
  - (h) Promote construction of affordable housing. (Policy 8)
  - (i) Mitigate the impacts of new and/or higher density housing, in-fill, and redevelopment on neighborhoods through design standards, open space and housing maintenance programs, and continuing historic preservation and neighborhood planning programs. (Policy 9)
  - (j) Encourage the creation of transportation-efficient land use patterns and implementation of nodal development concepts. (Policy 10)
  - (k) Increase the use of alternative modes of transportation by improving the capacity, design, safety, and convenience of the transit, bicycle, and pedestrian transportation systems. (Policy 11)
  - (l) Encourage alternatives to the use of single-occupant vehicles through demand management techniques. (Policy 12)
  - (m) Focus future street improvements on relieving pressure on the city’s most congested roadways and intersections to maintain an acceptable level of mobility for all modes of transportation. (Policy 13)
  - (n) Development shall be required to pay the full cost of extending infrastructure and services, except that the city will examine ways to subsidize the costs of providing infrastructure or offer other incentives

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- that support higher-density, in-fill, mixed uses, and nodal development. (Policy 14)
- (o) Target publicly-financed infrastructure extensions to support development for higher densities, in-fill, mixed uses, and nodal development. (Policy 15)
  - (p) Focus efforts to diversify the local economy and provide family-wage jobs principally by supporting local, and environmentally-sensitive businesses. Direct available financial and regulatory incentives to support these efforts. (Policy 16)
  - (q) Protect and improve air and water quality and protect natural areas of good habitat value through a variety of means such as better enforcement of existing regulations, new or revised regulations, or other practices. (Policy 17)
  - (r) Increase the amount and variety of parks and open spaces. (Policy 18)
  - (s) Expand city efforts to achieve community-based policing. (Policy 19)
- These policies shall serve as guidance as the city considers proposed changes to this land use code.

- (2) The land use code is designed to help:
- (a) Attain community goals and policies.
  - (b) Allow amendments to local plans and regulatory measures to address changes in circumstances and public values.
  - (c) Ensure an appropriate mix of land uses that provide the economic and social advantages which result from an orderly, planned use of land.
  - (d) Provide adequate public facilities and services; allow for adequate light, air, and open space; and protect from fire, flood, and other risks and dangers.
  - (e) Preserve and restore significant historic resources and increase public awareness of the community's historic and cultural heritage.
  - (f) Preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community.

*(Section 9.0020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)*

**9.0030** **Authority.** The Eugene Charter of 1976 empowers the city to adopt all forms of regulations including those related to land use. Oregon Revised Statutes, including Chapters 92, 197, and 227, also provide authority for this land use code.

*(Section 9.0030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.0040** **Land Use Code and Decision Interpretation.**

- (1) The planning director is authorized to interpret this land use code and decisions issued pursuant to this land use code. Requests for interpretations shall be submitted on a written form approved by the city manager and accompanied by a fee established pursuant to EC Chapter 2. Within 10 days of receipt of the written request, the planning director shall make a written interpretation and mail or deliver a copy to the party requesting the interpretation. Appeals of these interpretations shall be heard by a hearings official in the manner set out in EC 9.7600 - 9.7635.
- (2) Notwithstanding subsection (1) of this section, or any other section of this land use code, the planning director may appeal to the planning commission any interpretation by a hearings official, including both interpretations rendered as

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part of an appeal under subsection (1) of this section and interpretations rendered as part of any other land use matter. Appeals by the planning director pursuant to this subsection shall be filed not later than 7 days following the date of the hearings official's decision. If the hearings official's decision is appealed by another person, the appeals of the decision and interpretation shall be merged and determined in one appeal proceeding. The planning commission's review under this subsection shall be limited to determining whether the hearings official made an incorrect interpretation. Prior to reaching a decision, the planning commission shall hold at least one public hearing, and shall provide the parties with at least 7 days notice of the date and time of the hearing. If the planning commission concludes that the hearings official erred, the planning commission shall remand the decision to the hearings official with instructions to issue a new decision consistent with the interpretation rendered by the planning commission. The hearings official's written revised decision shall be mailed or delivered to the parties within 15 days from the date of the planning commission's remand.

- (3) In lieu of appealing an interpretation of a hearings official pursuant to subsection (2), the planning director may request the planning commission to issue a general interpretation of a code section or its application. Prior to reaching a decision, the planning commission shall hold at least one public hearing. The interpretation issued by the planning commission pursuant to this subsection shall not affect previous land use decisions that applied the code section for which the planning director requested the interpretation. Unless the planning commission reconsiders its interpretation, the interpretation shall apply in all decisions issued following the date of the planning commission's interpretation except those made by the city council.

*(Section 9.0040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.0050** **Interpretation of Purpose Sections.** Many of the divisions of this land use code contain "introduction" and "purpose" sections which are intended in most instances to provide general explanatory information concerning subsequent code sections. The content of these sections shall not constitute approval criteria or be used to interpret such criteria unless the sections are specifically referenced for that purpose in another section of this land use code.

*(Section 9.0050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.0060** **Compliance with Standards Prior to Issuance of Permit.** Unless otherwise provided in this code, development permits shall not be approved unless the applicant has demonstrated compliance with, or obtained an approved adjustment or variance to:
- (1) All applicable general development standards;
  - (2) All development standards specifically applicable in the subject base zone, special area zone, or overlay zone; and
  - (3) All development standards applicable to the specific use proposed. Such compliance may be demonstrated as part of approval of a land use application or approval of a development permit as provided in this code. Development permits shall not be granted for uses not allowed by this land use code. If a requirement of this land use code conflicts with a federal or state statute, the federal or state statute shall control.

*(Section 9.0060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.0080**     **Religious Exercise.** A person believing that the application of a land use regulation in this Chapter would violate the federal Religious Land Use and Institutionalized Persons Act of 2000 may assert such claim by submitting a written request for review to the city. Within 15 days of receipt of the written request, the planning director shall issue a written decision as to whether the city will waive the application of the provision. Appeals of these decisions shall be heard by a hearings official in the manner set out in EC 9.7600 to 9.7635.

*(Section 9.0080, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Code Enforcement & Penalties

**9.0200**     **Inspection and Right of Entry.** When necessary to investigate a suspected violation of this land use code, or an application for or revocation of any permit issued under this land use code, the city manager may enter on any site or into any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. Absent a search warrant, no site or structure that is closed to the public shall be entered without the consent of the owner or occupant. No owner or occupant or agent thereof, shall, after reasonable notice and opportunity to comply, refuse to permit entry authorized by this section. If entry is refused, the city manager shall have recourse to the remedies provided by law to secure entry.

*(Section 9.0200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.0210**     **Abatement.** Any use or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this land use code is unlawful and a public nuisance, and may be abated as provided in EC Chapter 6.

*(Section 9.0210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.0220**     **Legal Proceedings by City Attorney.** The city attorney, upon request of the city manager, shall institute any necessary legal proceedings to enforce the provisions of this land use code. The proceedings may include, but are not limited to, suit in circuit court to prohibit the continuance of any use, occupation, building, structure, or sign or the carrying on of other conduct or activities in violation of any provision of this code.

*(Section 9.0220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.0230**     **Stop Work Orders.**

- (1) The city manager may order work stopped whenever the city manager has reason to believe work is being performed contrary to this land use code or to a permit issued under this land use code, or that the project for which the work is being performed is in violation of a provision of this land use code.
- (2) The city shall post a written notice of the stop work order at the project site, or serve such notice on any person engaged in the work or causing such work to be performed. Upon the posting or service of notice, all persons engaged in the work or causing the work to be performed shall immediately stop such work until authorized in writing by the city manager to proceed. Failure to stop work shall be independent grounds for penalties and additional enforcement actions.
- (3) Any person to whom a stop work order is issued pursuant to this section may file a written notice of appeal in the manner prescribed in EC 2.021 Appeal

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Procedures. Notwithstanding any provisions of this code to the contrary, the filing of an appeal shall not stay an order issued hereunder, which shall remain in effect until the final determination of the appeal, or the city manager issues a revised order lifting the stop work order.

*(Section 9.0230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.0240 Stop Use Orders.**

- (1) The city manager may order a use regulated by this land use code stopped or limited when:
  - (a) The use of any building, structure, or land is contrary to the provisions of this land use code or a permit issued pursuant to this land use code; or
  - (b) The use becomes hazardous to life, health, or property, but only to the extent it poses a danger to life, health, or property.
- (2) The city shall post a written notice of the stop use order on the property or serve such notice on any person engaged in the use of the property. The notice shall fix a time limit for compliance with the order. After the time limit has expired, no person shall use or occupy a structure, premises, or property or portion thereof in violation of the order.
- (3) Any person to whom an order is issued pursuant to this section may file a written notice of appeal in the manner prescribed in EC 2.021 Appeal Procedures. Notwithstanding any provisions of this code to the contrary, the filing of an appeal shall not stay an order issued hereunder, which shall remain in effect until the final determination of the appeal, or the city manager issues a revised order lifting the stop use order.

*(Section 9.0240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.0260 Revocation of Conditional Use Permits.**

- (1) If revocation proceedings are initiated by the planning director, a conditional use permit may be revoked under this section upon a finding by the hearings official that:
  - (a) The permit was issued on the basis of erroneous or misleading information or a material misrepresentation;
  - (b) The development violates the permit or other applicable law; or
  - (c) There was a failure to pay an administrative penalty as provided under EC Chapter 2 or EC 9.0270 Administrative Civil Penalties for violations relating to the subject development site.
- (2) The hearings official shall conduct a public hearing concerning a potential revocation of a conditional use permit according to the Type III procedures in this land use code. After a public hearing and determination by the hearings official that one or more of the criteria in subsection (1) are satisfied, the hearings official may, by issuing a written notice of such determination, suspend or revoke a conditional use permit issued under the provisions of this land use code.
- (3) The permit holder shall be entitled to appeal the decision of the hearings official in the manner provided in EC Chapter 2.

*(Section 9.0260, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.0270 Administrative Civil Penalties.**

- (1) In addition to, and not in lieu of any other enforcement mechanism authorized by this land use code, upon determination by the city manager that a person

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has violated a provision of this land use code, the city manager may impose an administrative civil penalty, as provided in EC Chapter 2, upon the responsible person. For purposes of this section, “responsible person” includes the violator and, if the violator is not the owner of the building or property at which the violation occurs, the owner.

- (2) In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative penalty imposed pursuant to subsection (1) of this section shall be grounds for the city manager to:
  - (a) Withhold issuance of any requested permits or licenses other than those issued pursuant to EC Chapter 8; or
  - (b) Issue a stop work order or stop use order.

*(Section 9.0270, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.0275 Penalties – Specific.**

- (1) The illegal removal of trees shall be subject to the penalties set forth in EC Chapter 6.
- (2) Violation of any other provision of this land use code is punishable by a fine not to exceed \$1,000 for each day the violation exists, or confinement in jail not to exceed 100 days, or both such fine and imprisonment.

*(Section 9.0275, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.0280 Remedies – Cumulative.** The remedies provided for in sections 9.0200 Inspection and Right of Entry to 9.0275 Penalties - Specific are cumulative and not mutually exclusive.

*(Section 9.0280, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Definitions

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

**Access.** The place, means, or way by which pedestrians, bicyclists, or vehicles have ingress and egress to a property, use, or parking space.

**Access Connection.** The area located within the public right-of-way that provides for the movement of vehicles to or from a development site onto and from the vehicular travel way of the public transportation system.

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

**Accessory Use.** A use incidental to the primary use of the development site.

**Adjustment Review – Major.** An adjustment review that includes a request to adjust at least 2 of the following:

- (A) Maximum front yard setbacks,
- (B) Building orientation,

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(C) Building entrances,  
(D) On-site pedestrian circulation,  
(E) Block requirements or street layout,  
when such request is for a large commercial facility, large multi-tenant commercial facility, or multiple family development.

**Adjustment Review – Minor.** Any adjustment review that is not defined as “major.” This includes all adjustments to any proposed project that does not contain a large commercial facility, large multi-tenant commercial facility, or multiple-family development.

**Adversely Affected Person.** A person whose personal use and enjoyment of property owned or occupied by that person will be directly negatively affected by the land use decision. A person is not adversely affected due to actual or prospective economic loss from increased business competition that may result from the decision.

**Alley Access Lot/Parcel.** A lot, parcel or lot of record abutting an alley and not abutting a street and created from the rear portion of an existing lot or parcel. For purposes of EC 9.3050 through 9.3065, an alley access lot or parcel is one that abuts an alley but does not abut a street.

**Alley Access Only Lot/Parcel.** A lot or parcel whose only legal and practicable vehicle access to the portion of the lot on which the dwelling(s) or other main building(s) will be located is from the alley.

**Amateur Radio Antenna Structure.** An antenna and any structure supporting an antenna that a federally licensed amateur radio operator uses to transmit or receive electromagnetic waves.

**Annexation.** An extension of the boundaries of a city or special district.

**Appeal.** A formal challenge to a land use decision or interpretation to a higher authority.

**Arborist, Certified.** A person certified by the International Society of Arboriculture as having specialized knowledge, experience and training related to arboriculture, including, but not limited to, knowledge of best management practices for tree pruning and maintenance, construction impacts to trees, tree pests and diseases, and hazardous tree evaluation.

**Assisted Care.** The 24-hour care and boarding of persons by a paid caregiver who is not the parent or guardian of and is not related by blood, marriage, or legal adoption to the persons served, or other support services for adult transitory individuals. Services provided may include the training or rehabilitation for physically, mentally, or socially dependent persons requiring assisted living care. Services provided may also include meals, housekeeping, and personal care assistance. “Assisted Care” does not include temporary housing or other support services for adult transitory individuals. For purposes of determining residential density, if the design of the facility does not contain dwellings, as defined in this land

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use code, then every 1.5 beds equals 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g., 2 beds equals 2 dwellings.

**Athletic Field(s).** Open playing fields applicable to team-oriented sports such as football, baseball, softball, soccer, rugby, field hockey, ultimate frisbee, and other field-based activities. Athletic fields are distinguished from parks or playgrounds that provide for a greater range of use.

**Balcony.** A platform that typically projects from the wall of a building with or without additional independent supports, surrounded by a railing, balustrade, or parapet for protection, and accessed only from an upper-floor window or door.

**Banner.** A sign made of any non-rigid material that is not contained by an enclosing framework and is allowed some freedom of movement. Banners include (but are not limited to) streamers, pennants, and flags.

**Bar or Tavern.** An establishment licensed as a bar or tavern by the OLCC for the sale and consumption of alcoholic beverages on the premises.

**Base Flood.** As used in sections 9.6705 to 9.6709, the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

**Bed and Breakfast Facility.** A dwelling together with at least one room where travelers are lodged for sleeping purposes on an overnight or weekly basis, with a morning meal provided, and for which compensation is paid and received.

**Bedroom.** Within a dwelling, a bedroom is any room that either:

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

**Bicycle Path.** A bikeway that is physically separated from motor vehicle traffic by an open space or barrier, that may be within the public right-of-way, easement, or other publicly-owned land.

**Billboard.** Any sign with a sign face of 200 square feet or greater in surface area.

**Biofiltration.** Deliberate filtering of sediments and other pollutants from stormwater



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runoff by directing flow through a vegetated area.

**Block.** Lots, parcels, or other units of land that are surrounded on all sides by public street right-of-way.

**Block Length.** The distance along a street between the centerline of two intersecting through public streets, including “T” intersections but excluding cul-de-sacs.

**Blood Bank.** An organization that accepts human whole blood, donated voluntarily, and for which no financial compensation is received.

**Boarding and Rooming House.** At least one dwelling together with 3 or more rooms that are offered for rent, but which rooms, individually or collectively, do not constitute separate dwellings. A rooming and boarding house is designed to be occupied by long term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

**Boardwalk.** A raised walkway with railings, that allows humans to enter a sensitive natural area without damaging plants or compacting soils.

**Building.** A structure designed and used as a place of occupancy, storage, or shelter.

**Building Addition.** An expansion, extension or increase in the gross floor area or height of a building or facility. The terms “building addition” and “building expansion” are used interchangeably in this land use code.

**Building Alteration.** Development that does not result in a building addition.

**Building Articulation.** The design emphasis given to architectural elements such as walls, windows, balconies, and entries that serve to provide visual interest and elements of scale.

**Building Bulk.** The spatial dimensions of a structure.

**Building Facade.** The exterior wall of a building exposed to public view where the building, or a portion thereof, is located within 40 feet of public right-of-way, private drives, or public pedestrian way.

**Building Height.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gables of a pitched or hipped roof. For the purposes of residential zones, building height shall be the vertical distance above a reference datum measured to the highest point of the roof. The maximum height of a stepped or terraced building is the maximum height of all segments of that building. The reference datum shall be whichever of the following two measurements results in the greater building height:

(A) The reference datum is the lowest grade when the highest ground surface within a five-foot horizontal distance of the exterior wall of the building is not

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more than 10 feet above the lowest grade.

- (B) The reference datum is 10 feet higher than the lowest grade when the highest ground surface described in item (A) above is 10 feet or more above the lowest grade.

**(See Figure 9.0500 Building Height Calculation.)**

**Building, Main.** A structure within which the primary use permitted on the lot or parcel is conducted.

**Building Mass and Scale.** The building mass is the three-dimensional bulk of a structure defined by the height, width, and depth of the horizontal and vertical planes of a building. Building scale is the relative or apparent size of a building, the relationship between the mass of a building and its surroundings, including the width of the street, open space, and the size of surrounding buildings.

**Building Official.** The person authorized by the city manager to carry out the duties of the city's building official under this code, or the building official's designee.

**Building Offset.** Change in vertical planes along the facade of a structure.

**Building Offset Interval.** The distance between change of vertical planes of a structure.

**Business Occupant.** An owner, lessee, or renter of a non-residential use of a development site. Each user that has an independent or distinct property right in the development shall be considered a separate business occupant.

**Carpool.** A group of two or more commuters, including the driver, who share the ride to and from work on a regularly scheduled basis.

**Campus Living Organization.** A structure having sleeping facilities and a common kitchen, used for providing living facilities for a student organization, including a fraternity or sorority, that received official sanction from an institution of higher learning.

**Canopy Tree.** A horizontally branching deciduous or coniferous tree species that generally grows to have a mature canopy width of at least 50 feet.

**Cemetery.** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes. Columbaria, crematories, mausoleums, and mortuaries are considered part of the cemetery when operated in conjunction with and within the boundary of the cemetery.

### **Change of Use.**

- (A) Except as provided in (B), a change from the existing use to another land use according to the land use and permit requirement tables in this land use code.
- (B) As used in Willamette Greenway Permits beginning at EC 9.8800, making a different use of the land or water than that which existed on December 6, 1975. It includes only a change that requires construction, alterations of the land, water, or other areas outside of existing buildings or structures and that

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substantially affects the land or water. It does not include a change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building for purposes of defining "change of use" with regard to Willamette Greenway permits.

**Channel Maintenance.** Periodic removal of debris, sediment, vegetation, litter and other material within the bed or banks of a stream or channel recognized as part of the city's stormwater drainage system, and performed by the city or in accordance with city policy.

**Channelize, Channelizing.** Human alteration of the bed or banks of a natural stream or river to maintain or increase its conveyance or capacity characteristics without maintaining its natural character, typically by straightening its course, increasing its depth and removing obstructions in the bed or on the banks.

**City Engineer.** The person authorized by the city manager to carry out the duties of city engineer under this code, or the city engineer's designee(s).

**City Manager.** The city manager of the city of Eugene, or his or her designee.

**Clinic.** Single or multiple offices for State of Oregon licensed physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts providing out patient care.

**Cluster Subdivision.** A subdivision with 6 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.

**Collection Center.** A temporary, portable structure or trailer placed on or near private parking areas by charitable non-profit organizations to collect donations of used household goods, clothing, or other useful materials.

**Common Open Space.** An area for the use or enjoyment of all residents of a development site, excluding parking areas, streets, and other areas designed for motor vehicle circulation or storage. Common open space may include areas that provide for the preservation or enhancement of natural resource habitats.

**Community Center.** A building owned and operated by the city or other public agency, and used for recreational, social, educational, and cultural activities.

**Constructed Wetlands.** A facility that exhibits wetland characteristics but was constructed for the express purpose to perform a utility need, such as a sedimentation pond, and is not eligible for mitigation credit or subject to the jurisdictional requirements of federal and state wetland law.

**Controlled Income and Rent Housing.** A housing project, or that portion of a

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larger project, consisting of any dwelling type or types exclusively for low-income individuals and/or families, 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 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.)

**Corner Cut-Off.** An area of right-of-way or easement provided at a corner in addition to the standard street width, to allow additional room for vehicle clearance and vision clearance at the corner and for construction of sidewalks.

**Corner Lot or Parcel.** A lot or parcel with 2 or more front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line. **(See Figure 9.0500 Corner Lot or Parcel.)**

**Correctional Facility.** A facility designed for the short and/or long term confinement of persons held in lawful custody, involving the treatment of offenders through penal, parole and probation programs. Correctional facilities are staffed 24 hours a day and may include related uses such as legal and medical access, (courtrooms or clinics), counseling and rehabilitative services, recreation activities, and administrative offices.

**Critical Root Zone (CRZ).** That area surrounding a tree that:

- (A) Has a radius of 18 inches times the diameter breast height expressed in inches of the tree trunk or trunks; or
- (B) Encompasses an area determined for an individual tree to be the necessary root area for the tree's continued normal growth as demonstrated in a written report by a certified arborist and based on documented field investigation and non-destructive physical testing, including, but not limited to non-destructive excavation to delineate the root system to a minimum depth of 24 inches below grade, and no more than 48 inches below grade.

**Cul-de-sac.** A dead-end street intended for local traffic that terminates with a bulb or other turnaround suitable for use by appropriate vehicles, including emergency vehicles.

**Curved Lot.** A lot having frontage on a street with a centerline radius of less than 300' and a change in bearing of the centerline of at least 10 degrees across the frontage of the lot. For the purpose of determining lot frontage requirements, only those lots on the outside of a curved street shall be eligible for reduced lot frontage.

**Cut-off Light Fixture.** A light fixture designated as cut-off when the candlepower per 1000 lamp lumens does not numerically exceed 25 (2 ½ %) at an angle of 90 degrees above nadir (horizontal), and 100 (10%) at a vertical angle of 80 degrees above nadir. This applies to any lateral angle around the lighting fixture.

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**Day Care.** Care or supervision of 3 or more persons by a paid caregiver who is not the parent, guardian, or related by blood or marriage to the persons being served. Day care does not include boarding or temporary care or other support services for adult transitory persons.

**Decision-Maker.** The person or hearing body designated in provisions beginning at 9.7000 of this land use code to make a decision on an application.

**Density (gross).** The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities.

**Density (net).** The number of dwelling units per each acre of land in residential use, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities.

**Destination.** The ultimate discharge point for the stormwater runoff from a particular site. Destination can include on-site infiltration such as surface infiltration facilities, drywells and sumps, and soakage trenches, and off-site flow to ditches, drainage ways, rivers and streams, and off-site storm pipes.

**Develop.** To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land, or to create or terminate rights to access. "Develop" includes, but is not limited to, new building, building alterations or additions, site improvements, or a change in use.

**Development.** The act, process or result of developing. As used in sections 9.6705 to 9.6709, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**Development Permit.** A permit authorized or required by the Oregon Structural Specialty Code and Oregon One and Two Family Dwelling Code, including but not limited to permits for:

- (A) New buildings.
- (B) Additional square footage added to a building.
- (C) Building demolition.
- (D) Foundations.
- (E) Change of occupancy.
- (F) Grading/Fill.
- (G) Site improvements.

**Development Site.** A tract of land under common ownership or control, either undivided or consisting of two or more contiguous lots of record. For the purpose of land use applications, development site shall also include property under common ownership or control that is bisected by a street or alley.

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**Diameter Breast Height (d.b.h.).** The diameter of the trunk or trunks of a tree measured at 4.5 feet above mean ground level at the base of the trunk or trunks.

**Direct Connection.** The shortest reasonable connection between two points. A connection is direct if it does not involve travel more than 40% above the most direct route practicable between two points.

**Dormer.** A window or ventilation opening set vertically on a sloping roof. The dormer has its own roof, which may be flat, arched, or sloped. A dormer may or may not have its own sidewalls.

**Driveway.** The area located outside of the public right-of-way that abuts the access connection and allows for vehicles to move to or from a development site. For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, a surface area that is intended, prepared, or used for vehicle access to and about a lot.

**Drive Through Only Establishment.** An establishment providing services solely to customers that do not enter the building.

**Dwelling.** A building, or portion thereof, designed and used as a residence for occupancy by 1 family. This includes both buildings constructed on-site and manufactured homes.

**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 a secondary dwelling.

**Dwelling, Four-Plex.** A building designed and used as dwellings for 4 families living independently of each other and having separate housekeeping facilities for each family.

**Dwelling, Multiple-Family.** One or more buildings on a single lot or parcel 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. Multiple-family dwellings include condominium and apartment units without regard to ownership status.

**Dwelling, Secondary.** A dwelling unit that is located on the same lot as a primary one-family dwelling that is clearly subordinate to the primary one-family dwelling, whether a part of the same structure as the primary one-family dwelling or a detached dwelling unit on the same lot. Either the secondary dwelling or the primary dwelling must be occupied by the property owner.

**Dwelling, One-Family.** 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 a secondary dwelling on the same lot.

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**Dwelling, Row House.** A dwelling that shares 1 or more walls with 1 or more dwellings and which is located on a row house lot.

**Dwelling, Tri-Plex.** A building designed and used as dwellings for 3 families living independently of each other and having separate housekeeping facilities for each family.

**Easement of Record.** A valid easement that is recorded and on file at the Lane County Recorder's office.

**Electronic Message Center.** A sign, or portion of a sign, that conveys information through a periodic automatic change of message on a lampbank, through the use of fiber optics, or through mechanical means. A sign on which any portion less than an entire sign rotates shall be considered an electronic message center.

**Enhanced Pedestrian Amenity.** Permanent pedestrian amenities as described under the definition of Enhanced Pedestrian Space.

**Enhanced Pedestrian Space.** A paved area for use by pedestrians characterized by the incorporation of permanent amenities such as textured paving, planters connected to the earth and planting areas, kiosks, colonnades, drinking fountains, public art, etc. A paved area with portable seating adjacent to a restaurant is also an enhanced pedestrian space.

**Enhancement.** To increase or improve natural values in one or more of the following ways:

- (A) Increasing the wildlife habitat value by increasing the supply and diversity of natural food sources throughout the year, increasing the diversity and duration of water features throughout the year or increasing the diversity in size and structure of plants.
- (B) Improving water quality by reducing the amount of pollutants entering the water or removing pollutants already in the water.
- (C) Improving the natural character by encouraging and allowing natural vegetation to grow in natural patterns according to soil and water conditions.
- (D) Removing litter, refuse and unnatural fill.
- (E) Improving the capacity of the area to contain, detain or filter stormwater runoff.

**Equipment, Heavy.** Any piece of equipment weighing 1 ton or more.

**Equipment, Light.** Machinery, tools and implements that are typically operated by hand and used for maintenance of yards, gardens and households.

**Equivalent on-site area.** An area of existing impervious surface that: (1) does not have facilities or structures to treat stormwater runoff; (2) is of equal or greater square footage to the area of proposed new impervious surface on the same site; and, (3) is of equal use.

**Eugene Zoning Map.** The official zoning map for the City of Eugene. The Eugene Zoning Map may also include overlay zones.

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**Evidence.** Facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

**Family.** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (A) Any number of persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- (B) A maximum of 5 unrelated persons;
- (C) Two unrelated persons and any parents or children related to either.

**Flag Lot.** A lot located behind another lot except for a narrow portion extending to the public street which is suitable for vehicular, bicycle and pedestrian access. The “flag pole” of a flag lot is the access corridor to the buildable “flag portion” of the lot. **(See Figure 9.2775(2) Residential Flag Lot Description.)**

**Flashing Sign.** A sign or sign structure where some part of the display is provided by light-emitting elements which abruptly change color or intensity of illumination, including intermittent periods of illumination and non-illumination, or where the effect of flashing is achieved through mechanical means, including rotation.

**Flood, or Flooding.** As used in sections 9.6705 to 9.6709, a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters or
- (B) The unusual and rapid accumulation of runoff of surface waters from any source.

**Flood control design storm.** A theoretical storm for evaluating the capacity of the storm drainage system and designing improvements for the required level of protection, in accordance with the Stormwater Management Manual.

**Flood Insurance Rate Map (FIRM).** As used in sections 9.6705 to 9.6709, the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study.** As used in sections 9.6705 to 9.6709, the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas designated as a floodway by the Federal Emergency Management Agency.

**Floor Area.** The floor area of a building, except areas used exclusively for the service of the building, such as: mechanical equipment spaces and shafts; elevators; stairways, escalators and ramps; rest rooms; loading docks or ramps. The term “Floor Area,” when calculated for the purpose of determining the Floor Area Ratio (FAR) within the /TD Transit Oriented Development Overlay Zone,



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includes that portion of the basement that is designed and constructed as permanent underground parking, office or retail use, and the entire floor area of the rest of the building. In all other zones, basement areas shall be excluded from the FAR calculation.

**Floor Area Ratio (FAR).** The floor area of all buildings on a lot divided by the total lot area. **(See Figure 9.4530(3) Floor Area Ratio Calculation.)**

**Flow control facility.** Any structure or drainage device that is designed, constructed, and maintained to collect, retain, infiltrate, or detain surface water runoff during and after a storm event for the purpose of controlling post-development water quantity leaving the development site.

**Freestanding Sign.** A sign other than a billboard supported by a structure that is anchored in the ground and is independent from any other structure.

**Front Lot Line.** A lot line abutting a public street or in cases of private streets or access easements, the front lot line shall be considered to be the boundary of the private street or access easement. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)**

**Front Yard Setback.** An area extending between lot lines that intersect a street lot line, from a front lot line to a minimum depth required by zone standards. **(See Figure 9.0500 Front and Interior Yards.)**

**Glare.** Intense, direct light emitted by a lamp(s) that causes reduced vision, momentary blindness, or eyestrain.

**Goal 5 Water Resource Site.** As used in EC 9.4900 to 9.4980 and 9.8030(21), the resource site as identified in the Goal 5 Water Resources Conservation Plan. For riparian corridor and upland wildlife habitat sites, the Goal 5 Water Resource Site includes the stream and riparian areas that may extend beyond applicable conservation setbacks. Wetland sites include only the wetland, itself.

**Grade.** For purposes of determining building height, the grade shall be the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within a five foot horizontal distance of the exterior wall of the building. For purposes of determining sign height, grade shall be measured as if all portions of a sign were projected vertically onto the ground and the grade was measured by using such projections as a building wall. For all signs, grade shall be measured according to the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for locating the sign. **(See Figure 9.0500 Building Height Calculation and Figure 9.6640(3)(f) Sign Height Calculation.)**

**Grassy Swales.** Shallow ditches lined with grass or other vegetation for the purpose of filtering sediments and other pollutants from stormwater runoff.

**Ground Cover.** A living plant species that normally reaches a height of less than 3 feet upon maturity, planted in such a manner so as to form a continuous area of

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living plants.

**Hand-Carried Sign.** A sign that is displayed and used while being carried by a person.

**Hazardous Tree.** A tree that is dead, or is so affected by a significant structural defect, damage or disease that falling or failure appears imminent, and the tree poses a threat to life or property.

**Headwaters Area.** The area within Eugene city limits that is above 500 feet.

**Headwater streams.** Streams that: (1) are identified on the Headwater Streams Map (an Appendix to the Stormwater Management Manual) as having all or a portion of their length located on slopes greater than 10%; (2) are identified on the Sensitive Areas Map as having all or a portion of their length located in areas with highly erodible soils; (3) are at least 500 feet or longer; and, (4) drain at least 10 acres.

**Hearings Official.** A person appointed by the city manager or designee to hold hearings and issue decisions under this land use code.

**Heritage Tree.** A living, standing tree having exceptional value to the community due to its size and species. The specific methodology of classifying a tree as a heritage tree shall be established by administrative rule of the city manager adopted pursuant to section 2.019 City Manager - Administrative and Rulemaking Authority and Procedures.

**Historic Architectural Significance.** A historic property that:

- (A) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (B) Embodies those distinguishing characteristics of an architectural type;
- (C) Is the work of an architect or master builder whose individual work has influenced the development of the city, region, or state; or
- (D) Contains elements of architectural design, detail, materials, or craftsmanship that represented a significant innovation.

**Historic District.** A geographic area possessing a significant concentration, linkage, continuity or design relationship of historically significant sites, structures, landscape features, or objects unified by past events or physical development, that is 3 blocks or larger in size.

**Historic Ensemble.** A geographic area possessing a significant concentration, linkage, continuity or design relationship of historically significant sites, structures, landscape features, or objects unified by past events or physical development, which is less than 3 blocks in size.

**Historic Landmark.** A historic resource designated by the city according to EC 9.8165 Historic Landmark - Designation Approval Criteria in this land use code.

**Historic Landscape Feature.** A decorative or functional change to land or

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vegetation, including trees, gardens, hedges, arbors, canopies, walkways, fences, retaining walls, water features, gazebos, pavilions, and similar site features.

**Historic Preservation.** The process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property.

**Historic Property.** A historic resource that is:

- (A) Designated by the city as a historic landmark; or
- (B) Listed in the National Register of Historic Places, or within a National Register historic district.

**Historic Property Alteration.** To remove significant historic building materials, or significantly change the physical appearance of any part of the exterior of a historic resource or to change the appearance of historic landscape features that are identified as a significant part of the historic resource in the historic property application. Maintenance is not considered alteration of a historic property.

**Historic Property Demolition.** To raze, destroy, dismantle, deface or, in any other manner, cause significant partial or total ruin of a historic property.

**Historic Property Mitigation Report.** A report containing photographs of the historic property and its site and additional graphic history, data, and commemorative materials. The documentation materials will become the property of the city. The planning director may require that certain specific artifacts, architectural features, materials, or equipment be preserved or documented through measured architectural drawings.

**Historic Property Moving.** The relocation of a historic resource.

**Historic Rehabilitation.** The return of a historic resource to a state of utility, through repair or alteration, which makes possible an efficient contemporary use and preserves the property's historic value.

**Historic Resource.** Includes, but is not limited to, districts, ensembles, thematic groups, corridors, structures, bridges, buildings, sites, cemeteries, landscape features, signs, plaques, archaeological sites or artifacts, or other objects that have historic, cultural and/or architectural significance, locally, regionally, or nationally. A historic site is the location of a historic or archaeological event, activity, occupation, structure, object, or landscape feature, including existing buildings or structures on the site, which has historic significance.

**Historic Restoration.** The process of accurately recovering the form and details of a historic resource and its setting as they appeared at a particular historic period by means of the removal of later work or the replacement of missing earlier work.

**Historic Significance.** Those historic resources that have a relationship to events or conditions of the human past. The historic resource:

- (A) Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state, or nation;
- (B) Is the site of a historic event with an effect upon society;

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- (C) Is identified with a person or group of persons who had an influence on society; or
- (D) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

**Historic Thematic Group.** A group of resources linked through a common theme, not necessarily geographical. Examples include buildings designed by a famous architect, common landscape features, resources related by a significant development theme, and buildings of the same architectural style, use or era.

**Homeless Shelter.** A non-profit or public agency providing food, temporary housing, clothing and other support services primarily for adult, transitory individuals.

**Home Occupation.** An activity that is incidental to a dwelling's residential use and which involves the profit or non-profit exchange of goods or services.

**Hospital.** An institution that maintains and operates facilities for the 24 hour diagnosis, treatment and care of 2 or more non-related individuals, and which is devoted primarily to the rendering of in-patient or emergency 24 hour healing, curing, obstetric, and/or nursing care.

**Hotel/Motel.** A building or group of buildings containing 6 or more guest rooms that are used, rented, or hired out for sleeping purposes on a nightly or weekly basis. Guest rooms may have cooking facilities and may or may not be accessible from an outdoor parking area.

**Impervious surface/area.** Any surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from conditions pre-existing to development. Types of impervious surface include, but are not limited to, rooftops, asphalt and concrete parking lots, driveways, roads, sidewalks, and pedestrian plazas. *Note:* Slatted decks are considered pervious. Gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8.

**Improved Public Right-of-Way.** A public right-of-way that has been developed with improvements for use by the public.

**Institutional Use.** Includes, but is not limited to churches, hospitals, schools, public parks (other than neighborhood parks), libraries, post offices, and convention centers.

**Intensification** (as used in Willamette Greenway Permits beginning at EC 9.8800). Any additions that increase or expand the area or amount of an existing use, or the level of activity. Remodeling the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair that is usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and

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activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction of facilities adjacent to the residence or placement of such subsidiary structures as are usual and necessary to such use and enjoyment shall not be considered an intensification. Seasonal increases in gravel operations shall not be considered an intensification of use.

**Interior Lot Line.** Any lot or parcel line that is not a front lot line. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)** For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, any portion of a lot line that does not abut a street or alley.

**Interior Yard Setback.** An area of a lot that is adjacent to a property line that is not also a street lot line. The minimum depth of the area is as required by zoning standards. Interior yards include side and rear yards. **(See Figure 9.0500 Front and Interior Yards.)**

**Interpretive Center.** A facility that is open to the public and constructed and used for the purpose of educating people about the local environment and cultural history.

**Interpretive Information Kiosk.** A multiple faced sign constructed and used for the purpose of educating people about the local environment and cultural history.

**Invasive, Non-Native Plants.** Plant species included in Part 4 of the list adopted as Exhibit F to Ordinance 20351, or as subsequently amended by administrative order of the City Manager pursuant to EC 2.019.

**Jurisdictional Wetland.** See wetland.

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

**Lamp.** Any source of artificial light, such as bulbs, tubes, globes, spotlights, lasers, etc.

**Land Division.** Creation of legal lots or parcels through a partition or subdivision process.

**Lands Committed to Urban Use** (as used in Willamette Greenway Permits beginning at EC 9.8800). Those properties that are inappropriate for non-urban uses due to economic, developmental, and/or locational factors. Economic, developmental, and locational factors include, but are not limited to: established ports, employment and industrial, commercial, residential, or recreational uses on or near the subject property; the effect such established uses have upon the subject property; previous public decisions regarding the subject property (as contained in

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ordinances and adopted plans); and other public actions that affect the subject property.

**Legal Lot.** A lot of record that has boundary lines that were established:

- (A) Through a partition or subdivision procedure, or
- (B) By a deed that was signed before April 2, 1962.

**Legal Lot Lines.** The property boundaries of a legal lot.

**Living Area.** The gross floor area of the portion of a building designed and used primarily for human habitation.

**Loading Space.** An off-street space or loading dock that abuts a street, alley, or other appropriate means of ingress and egress, and which is on the same lot as a main building or which is contiguous to a group of buildings, used for the temporary parking of commercial vehicles while loading or unloading.

**Lot.** A unit of land that is created by the subdivision of land as provided for in this land use code. Otherwise, the words “lot” and “parcel” are used interchangeably. (Note: See also definition of “Parcel,” “Legal Lot,” and “Lot of Record.”)

**Lot and Parcel.** For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, “lot” and “parcel” are used interchangeably in all cases, and both terms mean a “Legal Lot,” as defined in EC 9.0500.

**Lot Coverage.** That portion of a lot which, when viewed directly from above, would be covered by a building or structure, or any part thereof, except that the following structures or parts of structures shall themselves not be included in calculating lot coverage:

- (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. The percentage calculation for adjacent carports, porches, and balconies that are separated by a common wall shall be determined individually for each carport, porch, or balcony.

**Lot Depth.** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)**

**Lot Frontage.** That portion of a single lot abutting the street. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)**

**Lot Line.** For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, unless more specifically defined in those standards, a lot line is single lot line segment, or continuous series of connected lot line segments. (See EC 9.3631(1)(c).)

**Lot Rear Line.** The lot line that is opposite to and most distant from the lot or parcel

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front line. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)**

**Lot Side Line.** Any lot or parcel line that is not a lot or parcel front or rear line. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)**

**Lot of Record.** A tract of land described on a document that is on record at the Lane County Recorder's office and that conforms with all applicable state and local land use requirements, including approval thereof, in effect when the document creating the lot was recorded.

**Lot Width.** The horizontal distance between the midpoints of the side property lines. Where more than one side property line exists along a given side yard, the combined length of the side property lines shall be used to determine the midpoint. Alley access parcel width is the distance between side lot lines measured along the alley property line. **(See Figure 9.0500 Lot Lines, Lot Frontage, Lot Width, Lot Depth.)**

**Main Entrance.** The principal entry through which people enter the building. A building may have more than one main entrance. For places of business, a main entrance door may not be a door that is locked during normal business hours.

**Manufactured Home/Manufactured Dwelling.** A “manufactured home” is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. A “manufactured dwelling” includes a residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and was constructed before January 1, 1962, a mobile home meeting the above requirements that was constructed between January 1, 1962 and June 15, 1976 and met the construction requirements of Oregon mobile home law in effect at the time of construction, and a manufactured home meeting the above requirements. “Manufactured dwelling” does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer. A manufactured home accessory building or structure includes:  
(A) Any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule of the Director of the State Department of Consumer and Business Services.

**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

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approved by the city.

**Marquee.** Any permanent roof-like structure, other than an awning, projecting beyond a building and generally designed and constructed to provide protection from the weather.

**Marquee Sign.** A sign on or above a marquee and attached only to a marquee. Marquee signs do not include under-marquee signs.

**Metro Plan.** The Eugene-Springfield Metropolitan Area General Plan, is the comprehensive land use plan for the cities of Eugene and Springfield and those parts of Lane County within the Eugene-Springfield urban growth boundary. The jurisdictional boundary of the plan includes a slightly larger geographic area outside the urban growth boundary.

**Metro Plan Amendment Home City.** The City of Springfield shall be the home city for all site specific Type I and Type II Metro Plan amendments east of Interstate 5. The City of Eugene shall be the home city for all site specific Type I and Type II Metro Plan amendments west of Interstate 5. The applicability of home city shall have no basis with respect to non-site specific Type I Metro Plan amendments.

**Metro Plan Amendment Initiation.** Any of the three governing bodies may initiate a Type I Metro Plan amendment at their discretion or, at their discretion, initiate a Type I Metro Plan amendment on behalf of a citizen who has made such a request. Any of the three governing bodies or a citizen who owns property that is the subject of the proposed amendment may initiate a Type II Metro Plan amendment at any time.

**Metro Plan Amendment Regional Impact.** Site specific Metro Plan amendments have regional impact if the change in plan designation or site location will:

- (A) Require an amendment of a jointly adopted functional plan including the Public Facilities Plan, a Natural Resources Functional Plan, or an amendment to TransPlan, when the Transportation Planning Committee (TPC) determines the necessary amendment to be regional, or necessary in order to provide the subject properties with an adequate level of necessary urban services or facilities; or
- (B) Have a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-home city; or
- (C) Affect the buildable land inventory in such a way as to impact the regional supply by:
  - 1. Significantly decreasing the net inventory of needed buildable land in the following plan designation categories: Medium Density Residential, High Density Residential, Commercial; or
  - 2. Significantly increasing the net inventory of buildable land in the following plan designation categories: Low Density Residential, Special Light Industrial, Light-Medium Industrial, Heavy Industrial; except in the following two cases:
    - a. A jurisdiction may amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or



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- b. A jurisdiction may change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.

The non-home city may choose to participate in the site specific plan amendment process, excluding amendments within city limits, if the non-home city adopts a resolution determining that the proposed amendment has regional impact. Lane County shall participate in all Metro Plan amendments outside of city limits.

**Metro Plan Type I Amendment.** Any change to the Metro Plan which (1) changes the urban growth boundary or the jurisdictional boundary of the Plan; (2) requires a goal exception not related to a UGB expansion to be taken under statewide planning goal 2; or, (3) is a non-site specific amendment of the Plan text.

**Metro Plan Type II Amendment.** An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which:

- (A) Changes the plan diagram; or
- (B) Is a site-specific plan text amendment.

**Metropolitan Policy Committee.** An intergovernmental committee created to promote problem-solving and to resolve intergovernmental disagreements among Eugene, Springfield and Lane County, the membership of which includes 2 elected officials from each jurisdiction, and when considering transportation matters, 2 members of the Lane Transit District.

**Native Plants, Native Vegetation, (including native trees and native shrubs).** Plant species identified as “Native Plants” or “Native Vegetation” in accordance with the lists adopted as Exhibit F to Ordinance No. 20351, or as subsequently amended by administrative order of the City Manager pursuant to EC 2.019.

**Natural Drainageways.** Natural rivers, streams, channels, creeks, or other areas that naturally convey stormwater runoff or portions thereof that have not been channelized, and which retain a predominantly natural character.

**Natural Functions and Values.** Characteristics of a site that contribute to the healthy and effective functioning of natural processes on the site, along with the contribution made by the site to the healthy and effective functioning of the larger natural resource system of which the site is a part; including but not limited to improvement of water quality, provision of food, water and cover for wildlife, storage capacity for flood waters, protection against erosion, sediment removal, fisheries habitat, and groundwater recharge or discharge.

**Natural Resource Area.** The area within the mapped boundaries of any locally inventoried wetland, pond, stream, channel, river, lake or upland wildlife habitat area.

**Neighborhood Activity Center.** A building or premises used for recreational, social, educational, or cultural activities, open to the public or a designated part of the public, which is a common destination or focal point for community activities. Includes primary and secondary schools, neighborhood parks and playgrounds, and shopping centers.

**Nodal Development.** A mixed use, pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

**North-South Dimension.** The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it intersects another lot line. For irregularly shaped lots, the midpoints of the 2 southernmost lot lines shall be connected to form a line for the purpose of determining north-south dimension. **(See Figure 9.2790(2)Solar Lot Requirements and Figure 9.2795 Solar Setback Standards.)**

**Northern Lot Line.** The lot line that creates the smallest angle with a line drawn east-west and intersecting the northmost point of the lot. If the north line abuts an undevelopable area on another lot other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If 2 lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line. **(See Figure 9.2790(2)Solar Lot Requirements.)**

**Nursing Home.** A residence, institution, or other place other than a hospital or assisted care facility that operates and maintains facilities providing 24-hour convalescent or chronic care, or both, for 2 or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick. For purposes of determining residential density, if the design of the facility does not contain dwellings, as defined in this land use code, then every 1.5 beds equals 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g. 2 beds equals 2 dwellings.

**Oil control facility.** Any structure or drainage device that is designed, constructed, and maintained to remove oil and grease from storm runoff.

**Open Space.** Unless otherwise specified in this land use code, the portion of a development site not devoted to buildings, parking, or driveways.

**Open Waterway.** A natural or human-made swale, creek, stream, open channel, ditch or other similar water feature, that has a defined and identifiable channel with slopes, that is predominantly of earthen material, and that has the specific function of conveying and/or storing stormwater runoff.

**Outdoor Lighting Fixture.** The assembly that holds the lamp(s) in a luminaire, including the ballast, housing, attachment parts, and the elements designed to control the output of the light, such as a reflector (mirror) or refractor (lens).

**Outdoor Living Area.** An area designed to provide an outdoor or semi-outdoor environment for the occupants of a dwelling. It includes natural ground area, paved and rooftop areas, balconies, porches, patios, terraces, verandas, and similar areas developed for active or passive recreational activities. Portions of exterior balconies

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required for building exits are not included in "outdoor living area."

**Outdoor storage.** The retention, by the permitted use on-site, of raw or finished materials, containers, equipment including vehicular fleet, or other property outside a building for an extended period of time. Items stored inside a building that is not enclosed on 100 percent of the area of its sides is considered outdoor.

**Owner.** An individual, association, partnership, or corporation having legal or equitable title to land other than legal title held only for purpose of security. For the purpose of notice, the owner may be determined using the latest Lane County assessment roll. For purposes of Annexation Application Procedures and Criteria (EC 9.7800 through 9.7835), See definition at EC 9.7805.

**Parcel.** A unit of land that is created by the partition of land as provided for in this land use code. See also "Lot of Record," "Legal Lot," and "Lot."

**Parking Area.** Any area which can be used by motor vehicles, recreational vehicles, trailers, and boats for parking, including driveways and access aisles providing access to the parking stalls.

**Parking Court.** A parking area designed to provide parking spaces for a group of dwellings in a manner that is attractively designed.

**Parking Space.** A permanently maintained space with proper access for 1 motor vehicle as indicated in this land use code.

**Partition.** The division of a tract of land, in accordance with this land use code, into two or three parcels within a calendar year. A partition does not include:

- (A) Divisions of land resulting from lien foreclosures.
- (B) Divisions of land resulting from the creation of cemetery lots.
- (C) Adjustment of a lot or parcel line by the relocation of a common boundary where an additional parcel or lot is not created and where the existing parcel or lot reduced in size by the adjustment is not in conflict with any applicable law or ordinance, including but not limited to provisions pertaining to minimum area, frontage, width and required setbacks.
- (D) Divisions of land resulting from foreclosures of recorded contracts for sale of real property.
- (E) The sale of a lot in a recorded subdivision, even though the lot may have been acquired by a single owner with other contiguous lots or properties prior to the sale.
- (F) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and state law.

**Peak Hour.** The 4 highest contiguous 15-minute traffic volume periods.

**Pedestrian Facilities.** Improvements, including sidewalks, walkways, and crosswalks that provide for public pedestrian traffic, together with related improvements, such as lighting and benches.

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**Pedestrian Scale Lighting.** Light standards or placements no greater than 14 feet in height located along walkways.

**Performance Agreement.** An agreement guaranteeing compliance with conditions of approval required by provisions of this land use code to be executed by an applicant and the city prior to issuance of certain permits.

**Performance Bond.** A financial commitment as required by the city and executed by an Oregon licensed surety company.

**Perimeter Wall.** The exterior wall of a building.

**Petition for Improvement.** A petition as required by the city and submitted to and accepted by the city council or city engineer for construction of public improvements as required by this code.

**Planning and Development Department Director.** The person authorized by the city manager to carry out the duties of the city's planning and development department director, or the planning and development department director's designee.

**Planning Commission.** The commission created by the city council to help plan for the orderly growth and development of the city.

**Planning Director.** The person authorized by the city manager to carry out the duties of the city's planning director under this code, or the planning director's designee(s).

**Plat.** The final map, drawing, and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision, partition, or replat thereof.

**Porch.** A structure attached to a building to shelter an entrance or serve as a semi-enclosed space, usually roofed and generally open sided.

**Portable Sign.** A sign placed in one location that is not permanently connected to the ground or a structure, or carried or moved during display. Portable signs include, but are not limited to: signs designed to be transported by means of wheels, signs converted to A- or T- frames, menu and sandwich board signs, and signs attached to or painted on parked vehicles. Hand-carried signs are not portable signs.

**Portico.** A porch or covered walk attached to a building supported by columns sheltering an entrance or serving as a semi-enclosed space.

**Practical/Practicable.** Attainable or feasible without undue financial hardship or violation of other laws or regulations.

**Practical/Practicable, to the Maximum Extent.** The greatest degree attainable or

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feasible without undue financial hardship or violation of other laws or regulations.

**Primary Windows.** Windows that serve areas where most daytime activities occur, primarily living rooms, dining rooms, family rooms, greatrooms, and kitchens.

**Private Access Agreement/Easement.** A recorded legal document in a form acceptable to the city, in which one property owner irrevocably grants to the owner(s) of 1 or more neighboring lots or parcels, and their successors in interest, a right to pass over his or her property to gain access to a public or private street together with any appropriate maintenance responsibilities.

**Private Open Space.** A semi-enclosed area that is intended for use by the occupants of one dwelling unit. Private open space may include porches, patios, balconies, terraces, roof-top gardens, verandas, and decks.

**Projecting Sign.** A sign other than a wall sign that projects from and is supported by a wall of a building or structure.

**Property Lines.** The boundaries of an ownership of a tract of land. These property lines do not necessarily indicate the boundaries of legal lots and may not coincide with "tax lots", as depicted on the Lane County Assessor's Maps.

**Property suspected or known to contain contaminants in the soil or groundwater.** Any real property where the presence of any hazardous substance or petroleum product indicates an existing release, past release, or threatened release of a hazardous substance or petroleum product into the ground, ground water, or surface water of the property.

**Protected Wetland, Protected Natural Resource.** A wetland or other natural resource identified for protection in an adopted plan or located on a lot zoned NR natural resource.

**Public Accessway.** A publicly owned or controlled interconnecting paved way that provides pedestrian and/or bicycle passage.

**Public Notice.** A description of a land use proposal, application, decision, or permit that is provided to inform citizens of a development proposal in the process of being reviewed by city staff or city officials, or of a land use decision or permit that has been approved by city staff or city officials.

**Public Way.** Any street, road, alley, right-of-way, pedestrian or bicycle easement or accessway, or utility easement for public use that is controlled by the city, county, or state.

**Rare Plants.** Any plant species which are listed or officially proposed to be listed on adopted local, state or federal "Rare, Threatened or Endangered Species" lists.

**Readerboard Sign.** A sign with a sign face of less than 200 square feet, or a portion of any such sign, on which characters, letters, or illustrations can be changed or rearranged manually without otherwise altering the surface of the sign.

**Reconfiguration of Lots or Parcels.** Changes to legal lot lines that result in any of the following:

- (A) Creation of an additional lot or parcel;
- (B) More than 2 changes to any of the boundaries of an individual lot or parcel within 1 calendar year;
- (C) A change in the size of a lot or parcel by more than 200 percent;
- (D) Creation of substandard public facilities or services, including, but not limited to, streets (access and widths), access easements, and public utility easements; or
- (E) A change in the number of platted lots and parcels.

**Recreational Vehicle.** A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and that has a gross floor area not to exceed 400 square feet in set up mode.

**Recycling-Composting Facility.** Activities requiring a general permit from the Department of Environmental Quality that produce more than 2,000 tons in a calendar year for green feedstocks and more than 5,000 tons in a calendar year for yard debris and wood waste only.

**Recycling-Deconstruction, Reuse, Resale.** A facility that takes in common household goods or home furnishings, and then disassembles or repurposes the products for reuse or resale. Compared to traditional manufacturing uses, this use does not utilize raw materials, is not reliant upon national rail or truck shipping routes, and conducts the majority of operations indoors.

**Recycling-Large Collection Facility.** A facility occupying an area of more than 1,000 square feet, that may include permanent structures, primarily designed for the collection of recyclable materials. A recycling facility does not include storage containers used solely for the collection of recyclable materials generated on the parcel.

**Recycling-Reverse Vending Machine.** An automated mechanical device that accepts 1 or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by State law. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

**Recycling-Small Collection Facility.** A facility primarily designed for the collection of recyclable materials. A recycling facility does not include storage containers used solely for the collection of recyclable materials generated on the parcel. The facility occupies 1,000 square feet or less and may include:

- (A) A mobile unit for the collection of recyclable materials;
- (B) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
- (C) Kiosk-type units that may include permanent structures.

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**Refinement Plan.** A detailed examination of the service needs and land use issues of a specific area, topic, or public facility. Refinement plans of the Metro Plan can include specific neighborhood plans, special area plans, or functional plans (such as TransPlan) that address a specific Metro Plan element or sub-element on a city-wide or regional basis.

**Residential Building.** For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, a building that contains one or more dwellings.

**Residential Character.** A combination of qualities and features that gives identity to a particular area where the predominant use is housing and that distinguishes the area from other areas.

**Residential Treatment Center.** A professionally operated 24-hour care facility administering a planned system of medical, psychological, social work and/or rehabilitative procedures and activities designed to relieve or minimize mental, emotional or behavioral disorders. Residential treatment centers serve people admitted by court order, and others on a voluntary basis. Residential treatment centers normally serve less than 50 persons and can provide a security system alarming staff if residents under care leave the facility. For purposes of determining residential density, if the design of the facility does not contain dwellings, as defined in this land use code, then every 1.5 beds equals 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g. 2 beds equals 2 dwellings.

**Roof Sign.** A sign constructed upon or which projects above the roof or parapet of a structure.

**Screening.** A method of visually shielding or obscuring an area through the use of fencing, walls, berms, or densely-planted vegetation.

**Secondary Windows.** Those windows serving bedrooms, bathrooms, kitchens, stairwells, and corridors.

**Sedimentation Ponds.** A basin or pond with a controlled stormwater release structure that is intended to collect and store sediment and that is designed to allow sediment to settle out of the flow before being released from the pond.

**Service Station.** A place where motor fuel and oil for motor vehicles is sold. Incidental services consist of selling, servicing and installing tires, batteries, accessories and related products, as well as minor repair and service when conducted entirely within an enclosed building. "Minor repair and service," as used in this definition, excludes activities such as painting, body work, steam cleaning, tire recapping, major engine or transmission overhaul or repair involving removal of a cylinder head or crankcase, and mechanical car washing that includes equipment to wash more than one car at a time.

**Setback.** See "Yard", "Front Yard Setback", or "Interior Yard Setback".

**Shade Point.** The part of a building that casts the longest shadow onto the

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adjacent northern lot(s) when the sun is at an altitude of 22.6 degrees and an azimuth ranging from 30 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole or wire. The height of the shade point shall be measured from the shade point to lowest grade directly below the shade point. If the shade point is located at the north end of the ridgeline of a building oriented within 45 degrees of the true north-south line, the shade point may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of the true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof. **(See Figure 9.2795(2) Shade Point Height (SPH) Measurement, Figure 9.2795(2)(a) R-1 Solar Setback Calculation, and Figure 9.2795(2)(b) R-2 Solar Setback Calculation.)**

**Shadow Pattern.** A graphic representation of an area that would be shaded by 22.6 degrees and an azimuth ranging between 30 degrees east and west of true north- south axis. **(See Figure 9.2795(2) Shade Point Height (SPH) Measurement, Figure 9.2795(2)(a) R-1 Solar Setback Calculation, and Figure 9.2795(2)(b) R-2 Solar Setback Calculation.)**

**Shopping Center.** A development site with at least 50,000 square feet of gross floor area and with 2 or more business occupants engaged in retail trade.

**Sign.** Any device, fixture, placard, or structure that is not entirely within an enclosed building, when its message is visible from a public or private way or another development site, and which uses any word, letter, or logo to advertise or to communicate information of any kind. For purposes of the Eugene sign regulations, searchlights, beacons, strings of lights, banners, flags, pennants, and inflated devices shall be considered signs.

**Sign Clearance.** The distance between the lowest portion of a sign and the finished surface clearance of the ground, paving, or sidewalk under the sign.

**Sign Construction.** The act of building, erecting, or otherwise placing a sign in use, including any work done on an existing sign other than sign maintenance.

**Sign Contractor.** A person engaged in the business of sign construction or sign maintenance required to be registered by the Oregon Construction Contractors Board.

**Sign Direction.** The direction a sign or sign element faces, including all directions in which the display copy is visible.

**Sign Element.** That portion of a sign wholly contained within a separating sign trim or otherwise presenting a self-defined unit.

**Sign Face.** The functional surface of a sign, including all sign elements facing in the same direction.



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**Sign Height.** The vertical distance from the grade to the highest point of a sign or sign structure. All sign heights, including roof signs, shall be measured from the grade. **(Refer to Figure 9.6640(3)(f) Sign Height Calculation.)**

**Sign Maintenance.** Work to preserve and use a sign, including manual changes in the display copy on signs designed and intended for such changes. Sign maintenance includes repairs to damaged signs unless the cost of the repair exceeds 50 percent of the value of the sign during the most recent period of use before repairs are to be initiated.

**Sign Orientation.** The general direction the sign faces from which the sign copy is designed to be seen and is most easily visible. A sign face parallel to a street and not oriented toward another direction of travel shall be considered to be oriented toward both directions of travel along the street.

**Sign Structure.** Any materials used to support or contain a sign, but not including buildings or other structures constructed primarily for purposes other than sign support.

**Sign Surface Area.** The total area of each sign face.

**Significant Vegetation.** Vegetation that is healthy, structurally sound, and environmentally appropriate for the site. Vegetation that lacks any of these factors is not significant.

**Significant Tree.** A living, standing tree having a trunk with a minimum cumulative diameter breast height of 8 inches, or, when there are multiple trunks, having a minimum cumulative diameter breast height of 8 inches, considering the 2 largest trunks measured at 4.5 feet above mean ground level at the base of the trunk or trunks.

**Single Room Occupancy.** A building containing at least 9 residential rooms for occupancy by individuals. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with another single room occupancy (SRO) room(s). Four SRO rooms shall constitute 1 SRO dwelling. For purposes of determining residential density, 4 SRO rooms equal 1 dwelling. Fractional dwellings shall be rounded to the next highest integer, e.g. 5 SRO rooms equal 2 dwellings.

**Site Improvements.** Includes, but is not limited to, landscaping, parking lot improvements, bicycle parking improvements, fences, sheds, paving, and any other development, except building alteration.

**Solar Access.** Unobstructed exposure to direct sunlight.

**Solar Feature.** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a building, heating or pumping of water, and generating electricity. Examples of a solar feature include a window oriented to within 45 degrees east-west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for

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purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall or window. A south-facing wall enclosing an unheated area, and without windows and without other features that use solar energy is not a solar feature for the purposes of this land use code (for example, an unheated garage).

**Solar Setback.** The shortest horizontal distance from the northern lot line to the shade point.

**Source control.** Any structure, device, or design that is used to eliminate or reduce pollution from a source.

**South.** True south or within 20 degrees east of magnetic south.

**South Wall.** A wall of any building oriented no more than 45 degrees from due south or any wall so defined by rules adopted under this land use code.

**Special Setback.** A setback instituted to prohibit development within areas of planned future right-of-way acquisition. The special setback is measured from the location of the planned future right-of-way line.

**Specialty Retail.** A type of retail presenting distinctive merchandise in a unique way, such as shops offering one-of-a-kind merchandise (such as a fine luggage store), or traditional goods presented in an interesting format (such as a boutique). Typically, specialty retail stores are relatively small with retail space frequently ranging from 400 to 2,000 square feet.

**Stand of Trees.** A group of three or more significant trees, whose canopies touch or whose critical root zones overlap; and that includes the trees, shrubs and groundcover plants that occupy the ground area beneath the canopies.

**Start of Construction.** The date the development permit was issued, provided the actual start of repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piling, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations, or erection of temporary forms; nor the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

**Stormwater Management Manual.** The City of Eugene Stormwater Management Manual adopted by the city in the manner set forth in EC 2.019, City Manager – Administrative and Rulemaking Authority and Procedures.

**Stormwater Management Facility.** Any structure or configuration of the ground that is used or, by its location, becomes a place where stormwater flows or is accumulated, including but not limited to, pipes, sewers, curbs, gutters, manholes,

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catch basins, ponds, open drainage ways, runoff control facilities, wetlands, and their accessories.

**Stormwater Quality Facility.** Any structure or drainage device that is designed, constructed, and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of maintaining or improving surface and/or groundwater quality.

**Street.** An improved or unimproved public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots or parcels, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of land for forestry, mining, or agricultural purposes. A “street” includes the land between right-of-way lines within the ingress/egress easement areas serving multiple residential lots but excluding “flagpole” portions of flag lots.

**Street-Fronting Lot.** For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, a lot or parcel that abuts a street for at least the minimum frontage length applicable to the lot as specified at EC 9.3630.

**Street Lot Line.** A lot line separating a street from other land.

**Streetscape.** The built and planted elements of a street that define the street’s character.

**Street Tree.** A living, standing tree with a trunk diameter or, for trees with multiple trunks, a cumulative trunk diameter, of at least 1-1/2 inches at a point 6 inches above mean ground level at the base of the trunk, and that is located within the public street right-of-way, or shown on an approved street tree plan.

**Structure.** Anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Structured Parking.** A publicly or privately owned structure having one or more tiers of height, designed and used for parking 4 or more motor vehicles.

**Subdivision.** Either an act of subdividing land, or an area or tract of land subdivided into 4 or more lots within a calendar year, as provided in this land use code.

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

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

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all units 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 Senior Housing.** Subsidized low-income housing exclusively for low-income individuals of age 62 and older. 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 Senior Housing Partial.** A controlled income and rent housing project consisting of any dwelling type(s) where at least 50% of the housing units are exclusively for low-income individuals of age 62 and older and these units 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 where all units 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.

**Substantial Improvement.** As used in sections 9.6705 to 9.6709, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (A) Before the improvement or repair is started, or
- (B) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (C) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (D) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Tandem Parking Space.** A permanently maintained space with proper access for two motor vehicles parked one in front of the other in tandem. The first motor vehicle does not have independent access, and the second motor vehicle must move to provide access to the first motor vehicle.

**Tax Lot.** A tract of land defined by ownership or tax status as defined by the Lane County Assessment and Taxation office. A tax lot is not necessarily a legal lot.

**Telecommunications Ancillary Facilities.** The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication systems

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including but not limited to repeaters, equipment housing, ventilation and other mechanical equipment.

**Telecommunications Antennas.** An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.

**Telecommunications Attachment.** An antenna or other piece of related equipment affixed to a transmission tower, building, light or utility pole, or water tower.

**Telecommunications Collocation.** Placement of an antenna on an existing transmission tower, building, light or utility pole, or water tower where the antenna and all supports are located on the existing structure.

**Telecommunications Facility.** A facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices, including transmission towers, telecommunications antennas and ancillary facilities. For purposes of this Land Use Code, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “telecommunication facilities.”

**Telecommunications Facility Stealth Design.** A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment.

**Telecommunications Provider.** A person in the business of designing and using telecommunications facilities including cellular radio-telephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

**Tentative Plan.** A preliminary drawing or diagram concerning a partition, subdivision, or planned unit development.

**Theater.** A building used for public presentations of entertainment or cultural events.

**Through Lot.** A lot, other than a corner lot, with frontage on more than one street. Through lots with frontage on two streets may be referred to as “double-frontage” lots.

**Topping.** Cutting of the branches or trunks of a tree, where such cutting removes:

- (A) More than 30 percent of the branches 6 inches in diameter or larger; or
- (B) The main trunk or trunks, or as otherwise defined in the edition of the American National Standards Institute (ANSI) Section A300, Tree, Shrub and Other Woody Plant Maintenance Standard Practices in effect at the time the topping occurs, except that topping shall not in any context mean pruning measures commonly used to maintain trees grown for the purpose of crop production.

**Traffic Control Device.** Any sign, signal, or other device placed, operated or

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erected under authority of a road authority, as defined by state law, for the purpose of guiding, directing, warning or regulating vehicular or pedestrian traffic.

**Transit Authority.** A transit district established under ORS 267.010 to 267.390.

**Transit, Neighborhood Improvement.** Transit amenities such as a bus stop, shelter, or shared-use park and ride with less than 25 spaces where the park and ride use is accessory to an existing church, shopping area, or other principal use. Neighborhood transit improvements may accommodate up to 2 buses.

**Transit Park and Ride, Major.** Public parking areas accommodating 100 or more motor vehicles, designed to provide access to transit and other transportation services, and which is managed by a public transit agency. These parking areas may function as shared parking areas with other land uses. A major park and ride facility generally includes buses operating off-street and passenger amenities provided off-street, such as larger-style bus shelter, lighting, passenger information, and bicycle storage facilities. Restrooms may be provided for transit employees or the public.

**Transit Park and Ride, Minor.** Public parking areas accommodating 99 or fewer motor vehicles, designed to provide access to transit and other transportation services, and which is managed by a public transit agency. These parking areas may function as shared parking areas with other land uses. Buses do not generally operate on the site. Buses may serve the park and ride facility from an on-street bus stop that may include a bus turnout and a standard size bus shelter adjacent to the stop.

**Transit Station, Major.** A transit station that provides on a regular basis, room for 4 or more buses to facilitate customer transfers and/or bus operations. A major transit station may include off-street parking and restrooms for transit employees or the public, and passenger amenities associated with major park and ride facilities. A major transit station may be an off-street or on-street facility or a combination of the 2.

**Transit Station, Minor.** A transit station that provides on a regular basis, room for 2 or 3 buses to facilitate customer transfer or bus operations. A minor transit station is usually designed as a large bus turnout near key intersections and is usually an on-street facility. Minor transit stations may include off-street parking.

**Transmission Tower.** The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this land use code, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers." Transmission towers include the following:

**Transmission Guyed Tower.** A transmission tower that is supported by the use of cables (guy wires) which are permanently anchored.

**Transmission Lattice Tower.** A transmission tower characterized by an open framework of lateral cross members which stabilize the tower.

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**Transmission Monopole.** A single upright transmission pole, engineered to be self-supporting and does not require lateral cross supports or guy wires.

**Tree.** A self-supporting, perennial woody plant characterized by one main trunk, or in some cases, multiple trunks, and one main canopy of leaves, usually growing to a height of 15 feet or more.

**Tree Preservation.** Protection of an existing tree from damage or stress such that the tree is likely to survive and continue to grow normally in a healthy condition, through measures that avoid or minimize damage to branches, canopy, trunk and roots of the tree. Such measures may include, but are not limited to, installation of tree protective fencing, mulching and watering of roots, supervision of work by an arborist, installation of aeration or drainage systems, root pruning, and use of non-destructive excavation techniques.

**Tree Removal.** To fell or sever a tree or to use any procedure the natural result of which is to cause the death or substantial destruction of the tree. Substantial destruction includes actions that destroy more than 30% of the critical root zone of a tree, or topping, or severing the cambial material on 50% or more of the circumference of the tree trunk. Remove does not in any context include those pruning standards as defined in the edition of American National Standards Institute (ANSI) Section A300, Tree, Shrub and Other Woody Plant Maintenance Standard Practices in effect at the time the pruning occurs.

**Trim.** The moldings, batten, capping, nailing strips, latticing, and platforms which are attached to a sign.

**Truck, Heavy.** A truck of one-ton capacity or more and not bearing a state recreational vehicle insignia.

**Under-Marquee Sign.** A sign that is attached only to a marquee or awning and which is suspended or projects downward from a marquee or awning and has no portion of the sign above the bottom surface of the marquee or awning structure.

**Under-Story Tree.** A tree that at maturity is smaller than, and does not meet the definition of, a canopy tree as defined in this land use code.

**Unimproved Public Right-Of-Way.** A public way that has not been developed with improvements for use by the public.

**Urban Forester.** The person authorized by the city manager to carry out the duties and responsibilities of the city's urban forester under provisions of this code.

**Urban Growth Boundary, UGB.** A site-specific line, delineated on a map or by written description, that separates the projected urban service area from rural land.

**Urban Plaza.** The land between a building and property line or street paved with a hard surface for use by pedestrians containing a minimum of two pedestrian amenities such as seating areas, covered playground area, kiosk area, water

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feature, interpretive display, public art, or other similar focal feature or amenity.

**Use.** The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is occupied or maintained.

**Vanpool.** A group of 7 to 15 commuters, including the driver, who share the ride to and from work on a regularly scheduled basis.

**Variance.** A grant of relief from an identified development standard that permits activity that would otherwise be prohibited by those sections.

**Vegetation Removal.** Destruction, physical removal, removal of the majority of the plant above ground, up-rooting, or lethal application of herbicides.

**Vehicle Use Area.** Parking spaces, driveways, interior roadways, loading areas, and fleet vehicle storage areas.

**Visible Light Transmittance (VLT).** The amount of visible light that passes through the glazing material of a window, expressed as a percentage.

**Vision Clearance Area.** A triangular area within a lot immediately adjacent to the intersection of streets to provide a clear area for viewing approaching traffic for public safety purposes. For the intersection of 2 improved public rights-of-way, the vision clearance area is the triangular area of the lot at the intersection of two lot lines. At the intersection of a public street and a private street, the vision clearance area is the triangular area of the lot at the intersection of the lot line and each edge of the street. For all vision clearance areas, the apex is located at the intersection of the two 35 foot legs, extended if necessary. The base of the triangle extends diagonally across the lot intersecting the two legs an equal distance from the apex. **(See Figure 9.0500 Vision Clearance Area.)**

**Wall Sign.** Any sign painted upon or attached to the wall of a building which does not project more than 12 inches from the surface of a wall. Signs placed on or attached to a mansard roof are considered wall signs provided they do not project or extend above the roof line.

**Water Features.** Permanent or intermittent bodies of water, including streams, ponds, rivers, lakes, drainage channels, open waterways and jurisdictional wetlands.

**Water Quality Design Storm.** A theoretical storm for estimating the amount of stormwater runoff to be treated. Facilities designed to store and treat a volume of stormwater shall be sized in accordance with the Stormwater Management Manual.

**Wetland.** Any parcel or portion of a parcel which meets the state or federal definition of wetlands that are under the jurisdiction of state or federal laws. Synonymous with "jurisdictional wetland".

**Wetland Boundary.** Any mapped wetland boundary produced by methods consistent with state and federal law and policy and for which a concurrence has



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been made in writing by the applicable state or federal agencies. Synonymous with "accepted jurisdictional wetland boundary" and "jurisdictional wetland boundary".

**Wholesale.** Establishments engaged in receipt, storage, and distribution of goods by truck, rail, or air to retailers and other wholesale vendors, but do not involve direct sale to the public.

**Wildlife Care Center.** A place where rehabilitation of an injured, sick, or immature wild bird, mammal, amphibian, or reptile occurs to a condition where it is capable of being released into the wild or, if incapable of survival on its own, retained for educational purposes or transferred to an organization, educational institution, museum, publicly funded zoo or other facility as determined by the Oregon Department of fish and Wildlife.

**Wrecking Yard, Motor Vehicles and Building Materials.** A premise used for the storage and dismantling of used motor vehicles, manufactured dwellings, recreational vehicles, machinery and/or building materials, or parts thereof. May also include sale of parts or materials.

**Yard.** Required space on the same lot with a building, unoccupied, and unobstructed from a point 30 inches above grade upward, except as otherwise provided herein. **(See also Front Yard Setback and Interior Yard Setback.)**

*(Section 9.0500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed April 11, 2005; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20355, enacted December 12, 2005, effective January 13, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008; Ordinance No. 20412, enacted July 14, 2008, effective August 16, 2008; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009, Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009; Ordinance No. 20447, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; Ordinance No. 20502, enacted November 26, 2012, effective December 28, 2012; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

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## Zoning - General Provisions

### General

**9.1000 Introduction.** Land in Eugene is zoned to provide areas suitable for certain types of development. Each zone provides a set of regulations governing the uses, lot size, building setbacks, height, and other development regulations. Property may also be subject to an overlay zone. The overlay establishes additional regulations beyond the base zone to address specific community objectives, such as protection of environmentally sensitive areas or improving the efficient use of public transit. In some cases, overlays may provide an exception to the standard regulations for the base zone.

*(Section 9.1000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.1010 Purpose of Zoning Regulations.** The broad purpose of zoning regulations is to protect and promote the public health, safety, and welfare, and to provide the economic, social and environmental advantages which result from an orderly, planned use of land resources. Such regulations generally are designed to implement the Metro Plan, Growth Management Study and other applicable adopted plans and policies.

*(Section 9.1010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.1020 Applicability of Zoning Regulations.** The city does not enforce any easement, covenant or other agreement between private parties, nor is this land use code generally intended to abrogate, annul, or impair such easements, covenants or agreements. In those instances where zoning regulations impose a greater restriction or higher standard than required by an easement, covenant or other agreement between private parties, or where the zoning regulations otherwise conflict with those private party agreements, the zoning regulations shall control.

*(Section 9.1020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.1030 Establishment and List of Zones.** The zones listed in Table 9.1030 Zones are established as follows:

<b>Table 9.1030 Zones</b>		
<b>Broad Zone Category</b>	<b>Zone</b>	
<b>Agricultural</b>	AG	Agricultural Zone
<b>Commercial</b>	C-1	Neighborhood Commercial Zone
	C-2	Community Commercial Zone
	C-3	Major Commercial Zone
	GO	General Office Zone
<b>Government and Education</b>	PL	Public Land Zone
<b>Employment and Industrial</b>	E-1	Campus Employment Zone
	E-2	Mixed Use Employment Zone
	I-2	Light-Medium Industrial Zone
	I-3	Heavy Industrial Zone
<b>Park and Open Space</b>	NR	Natural Resource Zone
	PRO	Park, Recreation, and Open Space Zone
<b>Residential</b>	R-1	Low Density Residential Zone

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Table 9.1030 Zones		
Broad Zone Category	Zone	
	R-1.5	Rowhouse Zone
	R-2	Medium Density Residential Zone
	R-3	Limited High Density Residential Zone
	R-4	High Density Residential Zone
Special	S-C	Chambers Special Area Zone
	S-CN	Chase Node Special Area Zone
	S-DW	Downtown Westside Special Area Zone
	S-DR	Downtown Riverfront Special Area Zone
	S-E	Elmira Road Special Area Zone
	S-F	Fifth Avenue Special Area Zone
	S-H	Historic Zone (Adopted by separate ordinance on file at the city. See EC 9.3020 and EC 9.3450)
	S-HB	Blair Boulevard Historic Commercial Special Area Zone
	S-RN	Royal Node Special Area Zone
	S-RP	Riverfront Park Special Area Zone
S-W	Whiteaker Special Area Zone	
S-WS	Walnut Station Special Area Zone	

(Section 9.1030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003; Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; Ordinance No. 20355, enacted December 12, 2005, effective January 13, 2006; Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

**9.1040 Establishment and List of Overlay Zones.** The overlay zones listed in Table 9.1040 Overlay Zones are established as follows:

Table 9.1040 Overlay Zones	
Overlay	Description
/#	Residential Density Range Overlay Zone (# indicates density range)
/BW	Broadway Overlay Zone
/CAS	Commercial Airport Safety Overlay Zone
/HD	Hillside Development Overlay Zone
/ND	Nodal Development Overlay Zone
/PD	Planned Unit Development Overlay Zone
/SR	Site Review Overlay Zone
/TD	Transit Oriented Development Overlay Zone
/UL	Urbanizable Land Overlay Zone
/WP	Waterside Protection Overlay Zone
/WQ	Water Quality Overlay Zone
/WR	Water Resources Conservation Overlay Zone
/WB	Wetland Buffer Overlay Zone
/WG	Willamette River Greenway Overlay Zone

(Section 9.1040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by

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*Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.1045 Reclassification of Prior Zones.** The zoning classifications shown in Table 9.1045 Reclassification of Zones are reclassified effective on the date indicated in the Table.

<b>Table 9.1045 Reclassification of Zones</b>	
<b>Effective August 1, 2011:</b>	
<b>Old Zone Title</b>	<b>New Zone Title</b>
RA Suburban Residential District	R-1 Low Density Residential Zone
R-2 Limited Multiple Family Residential District	R-2 Medium Density Residential Zone
R-3 Multiple Family Residential District	R-3 Limited High Density Residential Zone
R-4 High Rise Multiple Family Residential District	R-4 High Density Residential Zone
C-2 General Commercial District	C-2 Community Commercial Zone
I-1 Special Industrial District	I-1 Campus Industrial Zone
Downtown Westside Mixed Use District	S-DW Downtown Westside Special Area Zone
MU-E Elmira Road Mixed Use District	S-E Elmira Road Special Area Zone
Fifth Avenue Development District	S-F Fifth Avenue Special Area Zone
Historic Districts	S-H Historic Zone
H Blair Boulevard Historic Commercial Area	S-HB Blair Boulevard Historic Commercial Special Area Zone
Riverfront Park Special Development District	S-RP Riverfront Park Special Area Zone
MU-W Whiteaker Mixed Use District	S-W Whiteaker Special Area Zone
<b>Effective June 23, 2014:</b>	
<b>Old Zone Title</b>	<b>New Zone Title</b>
I-1 Campus Industrial Zone	E-1 Campus employment Zone

*(Section 9.1045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.1050 Establishment of Zone Boundaries and Overlay Zone Boundaries by Map.** Zone boundaries shall be depicted on an official map titled, "Eugene Zoning Map." Overlay zone boundaries shall be indicated on the "Eugene Zoning Map," or on an official map titled, "Eugene Overlay Zone Map." The text of this land use code may include a boundary description or list of uses subject to overlay zone regulations. The "Eugene Zoning Map" and "Eugene Overlay Zone Map" may be divided into geographic units for convenience of use and to more readily identify locations on the map. Where the text of a zone change decision or the text of this land use code specifically define boundaries (such as the TD or CAS overlay zones), conflicts between that text and map boundaries shall be resolved in favor of the text.

*(Section 9.1050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.1060 Changes in Zone Boundaries and Overlay Zone Boundaries.** Changes in zone boundaries or overlay zone boundaries shall be processed pursuant to the Type III Application Procedures (EC 9.7300 - 9.7340) or, if processed concurrently with a refinement plan or code amendment, Type IV Application Procedures (EC 9.7400 - 9.7455). Decisions shall be based on the criteria contained in EC 9.8865 Zone Change Approval Criteria.

*(Section 9.1060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.1070**     **Uncertainty of Zone Boundaries and Overlay Zone Boundaries.** Where uncertainty exists as to the boundary of any zone or overlay zone as shown on the “Eugene Zoning Map” or “Eugene Overlay Zone Map,” the planning director shall apply the following rules to make a determination of a boundary:

- (1) Where the boundaries are indicated as approximately following street lines, alley lines or lot lines, those lines shall be construed to be the boundaries.
- (2) In the case of unsubdivided property where a zone boundary divides a lot, the location of the boundaries, unless they are indicated by dimensions, shall be determined based on the proposed subdivision, location of future public ways, and natural resource features.
- (3) Areas of public ways and railroad right-of-way, other than those designated on the zoning map, shall be deemed to be unzoned and, in the case of railroad right-of-way, shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock.
- (4) Public way that is officially vacated is zoned consistent with the zone of the property to which the vacated area is attached, including any overlay zone.
- (5) Upon written notification from the owner that railroad right-of-way has been abandoned as railroad right-of-way, no new use shall be allowed and no development permit shall be issued until the property is zoned according to this land use code. Abandoned railroad right-of-way is automatically determined to have the same zone as the property to which the abandoned railroad right-of-way is attached, including any overlay zones.

*(Section 9.1070, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.1080**     **Zone Verification.** Zone verification is used by the city to evaluate whether a proposed building or land use activity would be a permitted use or be subject to land use application approval or special standards applicable to the category of use and the zone of the subject property. The city may use zone verification as part of the review for a land use application or development permit, or where required by this land use code. As part of the zone verification, the planning and development director shall determine whether uses not specifically identified on the allowed use list for that zone are permitted, permitted subject to an approved conditional use permit or other land use permit, or prohibited, or whether a land use review is required due to the characteristics of the development site or the proposed site. This determination shall be based on the requirements applicable to the zone, applicable standards, and on the operating characteristics of the proposed use, building bulk and size, parking demand, and traffic generation. Requests for zone verification shall be submitted on a form approved by the city manager and be accompanied by a fee pursuant to EC Chapter 2.

*(Section 9.1080, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Legal Nonconforming Situations

- 9.1200** **Purpose for Regulation of Nonconforming Situations.** Nonconforming lots or parcels, uses, and structures are detrimental to the orderly development and general welfare of citizens and property. This land use code provides for the orderly termination of legal nonconforming situations in order to promote the public health, safety, and general welfare, and bring these lots, uses, or structures into compliance with this land use code. Sections 9.1210 through 9.1230 are intended to:
- (1) Minimize the impacts of the nonconforming situation by establishing standards that limit the expansion of the nonconformity.
  - (2) Provide for the correction or removal of nonconforming situations in an equitable, reasonable, and timely manner.

*(Section 9.1200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.1210** **Legal Nonconforming Lots of Record.** Lots or parcels legally created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses will comply with all other provisions of this land use code.

*(Section 9.1210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.1220** **Legal Nonconforming Use.** A use that was legally established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this land use code is considered a legal nonconforming use. Change of ownership, tenancy, or management of a legal nonconforming use shall not affect its legal nonconforming status. The continuation of a legal nonconforming use is subject to the following:

- (1) If a legal nonconforming use is discontinued for a period of 365 days, it shall lose its legal nonconforming status, and the use of the property thereafter shall conform with the existing provisions of this land use code. If the use was discontinued because the structure was damaged to an extent of 50% or more of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, the use may be reinstated within 2 years.
- (2) If a legal nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- (3) No legal nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

*(Section 9.1220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.1230** **Legal Nonconforming Structure.** A structure that was legally established but no longer conforms to all development standards of this land use code (such as height or setbacks) is considered a legal nonconforming structure. Notwithstanding development standard requirements in this code, minor repairs and routine maintenance of a legal nonconforming structure are permitted. The continuation of a legal nonconforming structure is subject to the following:

- (1) A legal nonconforming structure that is damaged to an extent of 50% or more of its replacement cost may be restored only if the damage was not intentionally caused by the property owner and the nonconformity is not increased. Any residential structure(s), including multiple-family, in a

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residential zone damaged beyond 50% of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, may be reconstructed at the original density provided the reconstruction is commenced within 2 years after the catastrophe.

- (2) A legal nonconforming structure may be altered to bring the structure closer to compliance with existing regulations, but shall not be altered in a manner that increases its nonconformity.
- (3) A legal nonconforming structure that is moved loses its nonconforming status and must then conform to all requirements of this land use code.

(Section 9.1230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.1240** **Legal Pre-Existing Uses.** The uses listed in Table 9.1240 Legal Pre-Existing Uses shall be considered to be pre-existing uses. These uses may continue, and are not subject to the provisions of sections 9.1200 through 9.1230. Determinations as to whether a particular use qualifies as a pre-existing use shall be made by the planning commission.

<b>Table 9.1240 Legal Pre-Existing Uses</b>		
R-1 Low-Density Residential R-2 Medium-Density Residential	Nursing Home	Limited to those in existence on August 1, 2001
R-1 Low-Density Residential	Theater, Live Entertainment	Limited to those in existence on April 27, 1987 and operated by a non-profit organization
R-1 Low-Density Residential	Equestrian Academy and Stable	Limited to those in existence on August 1, 2001
R-1 Low-Density Residential	Equestrian Trail	Limited to those in existence on August 1, 2001
R-1 Low-Density Residential	Golf Course	Limited to those in existence on August 1, 2001
E-1 Campus Employment	Church, Synagogue, and Temple, including associated residential structures for religious personnel	Limited to those in existence or permitted by an approved CUP on June 23, 2014

(Section 9.1240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

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

<b>Table 9.1245 Legal Pre-Existing Structures</b>		
R-1 Low Density Residential	Secondary Dwelling	Limited to those in existence on August 29, 2014
R-1 Low Density Residential	Accessory Building	Limited to those in existence on August 29, 2014



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<b>Table 9.1245 Legal Pre-Existing Structures</b>		
R-1 Low Density Residential	Alley Access Lot Dwelling	Limited to those in existence on August 29, 2014
R-1 Low Density Residential within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association	Secondary Dwelling, Rowhouse, Duplex, Triplex, Fourplex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building	Limited to those in existence on April 12, 2014

*(Section 9.1245 added by Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; amended by Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

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**Base Zones**

**Agricultural Zone**

**9.2000 Purpose of AG Agricultural Zone.** The purpose of the AG agricultural zone is to allow agricultural uses within the urban growth boundary until land is converted to urban development. Agricultural uses are considered interim uses until public facilities and services can be provided in an economical manner and urban development of the site would result in compact urban growth and sequential development.

*(Section 9.2000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2010 Agricultural Zone Land Use and Permit Requirements.** The following Table 9.2010 Agricultural Zone Uses and Permit Requirements, identifies those uses in the AG Agricultural Zone that are:

- (P) Permitted, subject to zone verification.
- (C) Subject to a 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 that are described in EC 9.2011 Special Use Limitations for Table 9.2020

Examples shown in Table 9.2010 are for informational purposes, and are not exclusive. Table 9.2010 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

<b>Table 9.2010 Agricultural Zone Uses and Permit Requirements</b>	
	<b>AG</b>
<b>Accessory Uses</b>	
Accessory Use. <u>Examples</u> include storage of farm products or livestock and other uses normal and incidental to agricultural uses.	P
<b>Agricultural, Resource Production and Extraction</b>	
Community and Allotment Garden	P
Display and Sale of Agricultural Products, primarily based on products raised or grown on the premises	P
Urban Animal Keeping, including pastureland (See EC 9.5250)	S
Horticultural Use. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.	P
Mineral Resources Mining, Recovery, Stockpiling, Processing, excluding smelters and ore reductions	C
<b>Education, Cultural, Religious, Social and Fraternal</b>	
Golf course, with or without country club	P
Grange Hall	P
Library	P
<b>Entertainment and Recreation</b>	
Equestrian Academy and Stable	C
Equestrian Trail	P

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<b>Table 9.2010 Agricultural Zone Uses and Permit Requirements</b>	
	<b>AG</b>
Farm Related Educational Activities and Events. <u>Examples</u> include harvest festivals or tours of heritage farms. Excludes rodeos and other events that are not related to on-going farm operations.	P
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Kiosk, Gazebo, Pergola, Arbor Trail, paved and non paved Arboretum, outdoors Natural Area or Environmental Restoration Wetland Mitigation Area	S(1)
<b>Government</b>	
Government Services, not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include: a fire station.	P
<b>Lodging</b>	
Bed and Breakfast (See EC 9.5100)	S
<b>Motor Vehicle Related Uses</b>	
Transit, Neighborhood Improvement	P
<b>Residential</b>	
<b>Dwellings</b>	
One-Family Dwelling, 1 Per Lot	P
<b>Utilities and Communication</b>	
Amateur Radio Antenna Structure (See EC 9.5050)	P
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
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
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 Type II procedure that shows low visual impact.	P
Telecommunication Tower or Facility (See EC 9.5750)	P
Water Reservoir, elevated above ground level	SR
<b>Other Commercial Services</b>	
Home Occupation (See EC 9.5350)	S
Kennel	C
Temporary Activity (See EC 9.5800)	S
Wildlife Care Center (See EC 9.5850)	S

(Section 9.2010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; amended by Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013.)

**9.2011 Special Use Limitations for Table 9.2010.**

**(1)** Permitted in the AG zone, subject to the PRO zone standards in EC 9.2640.  
(Section 9.2011 added by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)

**9.2020 Agricultural Zone Lot and Development Standards.** In addition to applicable development standards contained elsewhere in this code, the development

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standards listed in Table 9.2020 Agricultural Zone Lot and Development Standards shall apply to all development in the agricultural zone.

<b>Table 9.2020 Agricultural Zone Lot and Development Standards</b>			
<b>Lot Area Minimum</b>	20 acres	<b>Minimum Setbacks</b>	
		Front Yard Setback	10 feet
<b>Maximum Height</b>		Interior Yard Setback	10 feet
Main Building	30 feet		
Accessory Buildings	No Limit		

*(Section 9.2020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Commercial Zones

- 9.2100 Purpose of C-1 Neighborhood Commercial Zone.** The C-1 Neighborhood Commercial zone is designed to implement the Metro Plan by providing commercial areas to serve the day-to-day needs of the surrounding neighborhood. Neighborhood commercial areas should enhance rather than intrude on the character of a neighborhood by providing landscaped buffering and ensuring sufficient street frontage to provide safe and efficient access. These areas are usually 5 acres or less in size. Some uses not necessarily oriented to daily consumer needs, but similar in size and external impacts to convenience commercial and personal service uses, are also included in the C-1 zone.  
*(Section 9.2100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 9.2110 Purpose of C-2 Community Commercial Zone.** The C-2 Community Commercial zone is designed to implement the Metro Plan by providing areas for community commercial uses. These areas usually include at least 5 acres and not more than 40 acres, and are intended to include a wide range of purchaser goods and entertainment, office, and service needs for a support population smaller than that of the metropolitan area but larger than that of a neighborhood. Housing is also permitted in this zone, which may occur independently on individual lots or parcels, or be located in clusters that share parking facilities and other common areas.  
*(Section 9.2110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 9.2120 Purpose of C-3 Major Commercial Zone.** The C-3 Major Commercial zone is designed to implement the Metro Plan by providing areas for regional commercial uses. These uses include a wide range of purchaser goods, educational opportunities, entertainment, offices, travel accommodations, and services that attract people from the entire metropolitan area, Lane County, and adjacent counties.  
*(Section 9.2120, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 9.2130 Purpose of C-4 Commercial/Industrial Zone.**  
*(Section 9.2130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Section 9.2130 repealed by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*
- 9.2140 Purpose of GO General Office Zone.** The GO General Office zone is designed to implement the Metro Plan by providing areas that allow a compatible mix of office and residential development. The zone is intended to provide for small- to medium-sized office buildings, often in transitional locations between residential and commercial uses. Developments shall be compatible with nearby residential uses in terms of scale, bulk, building and parking coverage, traffic generation, and other external factors. This zone also encourages a compatible mix of dwellings and offices on the same or adjacent properties. Retail uses are also permitted.  
*(Section 9.2140, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 9.2150 Commercial Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following C-1 Neighborhood Commercial siting requirements apply:
- (1)** New C-1 zones shall be located within convenient walking or bicycling

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distance of an adequate support population. For new C-1 areas between 4½ and 5 acres, an adequate support population is 4,000 people (existing or planned) within an area conveniently accessible to the site.

- (2) New C-1 areas larger than 1.5 acres shall be located on a collector or arterial street.
- (3) Existing neighborhood commercial areas shall not be allowed to expand to greater than 1.5 acres unless the development area site abuts a collector or arterial street.

*(Section 9.2150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**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.

<b>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
<b>Accessory Uses</b>				
Accessory Use. <u>An example</u> includes storage and distribution incidental to the primary use of the site. Parking areas that are accessory to a primary use on the same development site shall comply with EC 9.2161(5).	P	P	P	P
<b>Agricultural, Resource Production and Extraction</b>				
Horticultural Use. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.	P	P		P
<b>Eating and Drinking Establishments</b>				
Bar and Tavern	C(1)	P	P	
Delicatessen	P(1)	P	P	P(2)
Restaurant	P(1)	P	P	P(2)
Specialty Food and Beverage. <u>Examples</u> include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(1)	P	P	P(2)
<b>Education, Cultural, Religious, Social and Fraternal</b>				
Artist Gallery/Studio	P(1)	P	P	
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P(1)	P	P	C

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<b>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
Church, Synagogue, and Temple, including associated residential structures for religious personnel	P(1)	P	P	P
Club and Lodge of State or National Organization		P	P	P
Community and Neighborhood Center	P	P	P	C
Library		P	P	
Museum		P	P	
School, Business or Specialized Educational Training (excludes driving instruction)		P	P	
School, Driving (including use of motor vehicles)		P	P	
School, Elementary through High School		P	P	
University or College		P	P	
<b>Entertainment and Recreation</b>				
Amusement Center (Arcade, pool tables, etc.)	C	P	P	
Arena, Indoors		C	C	
Athletic Facility and Sports Club	P(1)	P	P	C
Bowling Alley		P	P	
Golf Course, Miniature Indoor		P	P	
Golf Course, Miniature Outdoor		SR		
Golf Driving Range		SR		
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Uses not specifically listed in this Table 9.2160 that are listed under the "Entertainment and Recreation" category in Table 9.2630.		S(8)	S(8)	S(8)
Theater, Live Entertainment	C	P	P	
Theater, Motion Picture		P	P	
<b>Financial Services</b>				
Automated Teller Machine (ATM)	P(1)	P	P	P
Bank, Savings and Loan Office, Credit Union	P(1)	P	P	P
<b>Government</b>				
Government Services, not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include: a fire station.	P(1)	P	P	P
<b>Information Technology Services</b>				
Computer Networking (includes services and technical support center)	P(1)	P	P	P
E-commerce (includes on-site shipping via truck)		P	P	
E-commerce (excludes on-site shipping via truck)	P(1)	P	P	P
Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)	P(1)	P	P	P
Internet and Web Site (includes services and technical support center)	P(1)	P	P	P
Software Development (includes services and technical support center)	P(1)	P	P	P
<b>Lodging</b>				
Bed and Breakfast Facility		P	P	P
Homeless Shelter not in existence as of January 1, 1984				



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<b>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
Hotel, Motel, and similar business providing overnight accommodations		P	P	
Recreational Vehicle Park, may include tent sites (See EC 9.5600)		S		
<b>Manufacturing</b>				
<p>Manufacturing Allowance in C-1, manufacturing is permitted if the following standards are met:</p> <ul style="list-style-type: none"> <li>-- No external air emissions required a permit from an air quality public agency.</li> <li>-- All industrial activity completely enclosed within building.</li> <li>-- Industrial uses limited to apparel, food and beverage, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-1.</li> <li>-- Each individual business is limited to 5,000 square feet of area exclusive of parking area.</li> </ul>	P			
<p>Manufacturing Allowance in C-2 and C-3, manufacturing is permitted if the following standards are met:</p> <ul style="list-style-type: none"> <li>-- No external air emissions requiring a permit from an air quality public agency.</li> <li>-- All industrial activity completely enclosed within building.</li> <li>-- Industrial uses limited to apparel, food and beverage products, electronic communication assembly, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-2 and C-3.</li> <li>-- Each individual business is limited to 10,000 square feet of floor area exclusive of parking area. These types of businesses are limited in size to assure that they will not dominate the commercial area and to limit any negative external impacts on commercial and residential uses.</li> </ul>		P	P	
Recycling, reverse vending machine	P	P	P	P
Recycling, small collection facility (See EC 9.5650)	S	S	S	S
<b>Medical, Health, and Correctional Services</b>				
Blood Bank		P	P	P
Correctional Facility, excluding Residential Treatment Center		C	C	C
Clinic or other Medical Health Treatment Facility (including mental health).	P(1)	P	P	P
Drug Treatment Clinic - Non-residential		P(3)	P(3)	
Hospital		C	C	C
Laboratory, medical, dental, X-ray		P	P	P
Meal Service, Non-Profit	C	P	P	
Nursing Home		P	P	P
Plasma Center, must be at least 800 feet between Plasma Centers		P		
Residential Treatment Center		P	P	C
<b>Motor Vehicle Related Uses</b>				
Car Wash		P	C	
Motor Vehicle Sales/Rental/Service, excluding recreational vehicles and heavy trucks		P	C	
Motorcycle Sales/Rental/Service		P	C	

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<b>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
Parking Area not directly related to a primary use on the same development site		SR (4)	P(5)	P
Parts Store		P	P	
Recreational Vehicles and Heavy Truck, Sales/Rental/Service		C		
Repair, includes paint and body shop		P		
Service Stations, includes quick servicing		P	C	
Structured Parking, up to two levels not directly related to a primary use on the same development site		P	P	P
Structured Parking, three or more levels not directly related to a primary use on the same development site		C	P	C
Tires, Sales/Service		P	C	
Transit, Neighborhood Improvement	P	P	P	P
Transit Park and Ride, Major		P	P	P
Transit Park and Ride, Minor	C	P	P	P
Transit Station, Major	C	SR	SR	SR
Transit Station, Minor	C	P	P	P
<b>Office Uses</b>				
Administrative, General, and Professional Office	P(1)	P	P	P
Scientific and Educational Research Center	P(1)	P	P	P
<b>Personal Services</b>				
Barber, Beauty, Nail, Tanning Shop	P(1)	P	P	P(2)
Day Care Facility (Not associated with a residence.)	P	P	P	P
Dry Cleaner	P(1)	P	P	P(2)
Film, Drop-off/Pick-up	P(1)	P	P	P(2)
Locksmith Shop	P(1)	P	P	P(2)
Laundromat, Self-Service	P(1)	P	P	P(2)
Mailing and Package Service	P(1)	P	P	P(2)
Shoe Repair Shop	P(1)	P	P	P(2)
Tailor Shop	P(1)	P	P	P(2)
<b>Residential</b>				
<b>Dwellings</b>				
One-Family 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)	S(6)	S		P
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)	P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	S(6)	S	S	S
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>				
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)		P	P	P
Assisted Care (6 or more people living in facility)		P	P	C
Day Care (3 to 12 people served)	P	P	P	P
Day Care (13 or more people served)	C	P	P	P

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<b>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
<b>Rooms for Rent Situations</b>				
Boarding and Rooming House		P	P	C
Campus Living Organization, including Fraternities and Sororities		P	P	C
Single Room Occupancy (SRO)		P	P	
University and College Dormitories		P	P	P
<b>Trade (Retail and Wholesale)</b>				
Agricultural Machinery Rental/Sales/Service		C		
Appliance Sales/Service		P	P	
Bicycle Rental/Sales/Service	P(1)	P	P	
Boat and Watercraft Sales/Service		P	C	
Book Store	P(1)	P	P	
Building Materials and Supplies				
Computer Store	P(1)	P	P	
Convenience Store	P(1)	P	P	P(2)
Drug Store (excluding Drug Treatment Centers)	P(1)	P	P	
Electrical Appliances and Supplies	P(1)	P	P	
Equipment, Light, Rental/Sales/Service		P	P	
Equipment, Heavy, Rental/Sales/Service- includes truck and tractor sales		C		
Fabric Store		P	P	
Floor Covering Store		P	P	
Furniture and Home Furnishing Stores		P	P	
Garden Supply/Nursery	P(1)	P		
General Merchandise (includes supermarket and department store)	P(1)	P	P	P(2)
Hardware/Home Improvement Store	P(1)	P	P	
Healthcare Equipment and Supplies		P	P	
Liquor Store		P	P	
Manufactured Dwelling Sales/Service/Repair		C		
Office Equipment and Supplies		P	P	
Plumbing Supplies		P	P	
Regional Distribution Center				
Retail trade when secondary, directly related, and limited to products manufactured, repaired or assembled on the development site	P(1)	P	P	
Storage Facility, Household/Consumer Goods, enclosed		P		
Specialty Store (an example includes a gift store)	P(1)	P	P	P(2)
Toy and Hobby Store	P(1)	P	P	
Video Store	P(1)	P	P	
Wholesale Trade (excluding regional distribution center)				
<b>Utilities and Communication</b>				
Amateur Radio Antenna Structure (See EC 9.5050)	S	S	S	S
Broadcasting Studio, Commercial and Public Education		P	P	P(7)

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<b>Table 9.2160 Commercial Zone Land Uses and Permit Requirements</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
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 Type II procedure that shows low visual impact.	P	P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S	S	S	S
Water Reservoir, elevated above ground level	SR	SR	SR	SR
<b>Other Commercial Services</b>				
Building Maintenance Services		P	P	
Catering Service	P(1)	P	P	P(2)
Collection Center, Collection of Used Goods (See EC 9.5150)	S	S	S	
Home Occupation (See EC 9.5350)	S	S	S	S
Mortuary		P	P	
Photographers' Studio	P(1)	P	P	
Picture Framing and Glazing	P(1)	P	P	P
Printing, Blueprinting, and Duplicating		P	P	
Publishing Service		P	P	
Temporary Activity (See EC 9.5800)	S	S	S	S
Train Station		C	C	
Upholstery Shop		P	C	
Veterinarian Service	C	P		

(Section 9.2160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; administratively corrected October 27, 2003; amended by Ordinance No. 20305, enacted December 3, 2003, effective January 2, 2004; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

**9.2161 Special Use Limitations for Table 9.2160.**

- (1) **Small Business Incentives in C-1.** Each individual business is limited to 5,000 square feet of floor area in new buildings. Individual businesses shall be permitted to occupy up to 10,000 square feet of floor area on development sites that have a floor area ratio (FAR) of at least .65.
- (2) **Retail Sales and Personal Services Allowance in GO.** Retail sales and personal services are allowed in the GO zone only if the use is located within a building that already contains office and/or residential uses. The retail sales

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and personal services area must be limited to 10 percent of the floor area of the building.

- (3) **Drug Treatment Clinic - Non-Residential Allowance in C-2 and C-3.** Use is permitted on property located within a quarter of a mile of a transit route.
- (4) **Parking Areas in C-2.** Any parking area established after August 1, 2001 that is not directly tied to a specific development shall require approval through the site review process.
- (5) **Parking Areas in C-3.** The maximum number of surface parking spaces on a development site shall be 20. Up to 20 additional surface parking spaces may be created if all on-site parking is accessed via an alley and no vehicle access from any street right-of-way (i.e. no access connection) is allowed. All parking spaces in excess of these limits shall be in structured parking.
- (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.
  - (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).

<b>Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments</b>		
	<b>C-1</b>	<b>C-2</b>
<b>Commercial Uses Requirements in Mixed-Use Residential Developments</b>		
<b>Minimum Percent of Building Street Frontage in Commercial Use.</b> 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%
<b>Minimum Percent of Ground Floor Area in Commercial Use.</b>	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.
- (8) **Broadcasting Studios, Commercial and Public Education Allowance in GO.** Any number of receiving antennas, and up to 1 station-to-station transmitter-link antenna not to exceed 10 watts are permitted in the GO zone.
- (9) Permitted in the Commercial zone, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

*(Section 9.2161, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20412, enacted July 14, 2008, effective August 16, 2008; Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528 enacted May 14, 2014, effective June 23, 2014.)*

**9.2170 Commercial Zone Development Standards - General.**

- (1) **Intent.** These commercial zone development standards are intended to achieve the following:
- (a) Improve the quality and appearance of commercial development in the city.
  - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
  - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
  - (d) Increase opportunities for use of alternative modes of transportation.
  - (e) Regulate the intensity of use allowed on a site.
  - (f) Control the overall scale of commercial buildings.
  - (g) Promote streetscapes that are consistent with the desired character of the various commercial zones.
  - (h) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones.

<b>Table 9.2170 Commercial Zone General Building Height and Setback Standards</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
<b>Building Height (See EC 9.2170(3))</b>				
Maximum Building Height	35 feet	120 feet	150 feet	50 feet
<b>Setbacks (See EC 9.2170(4))</b>				
Minimum Front Yard Setback	10 feet	0 feet	0 feet	10 feet
Maximum Front Yard Setback	15 feet	15 feet	15 feet	15 feet
Minimum Interior Yard Setback	0 feet to 10 feet	0 feet to 10 feet	0 feet	0 feet to 10 feet

- (3) **Building Height.**
- (a) Exceptions to the general height restrictions for commercial structures stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:
    - 1. EC 9.6715 Height Limitation Areas.
    - 2. EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.
  - (b) Subject to the limitations in subsection (a) of this section, in the C-2 or C-3 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.
  - (c) Subject to the limitations in subsection (a) of this section, the maximum permitted building height for main or accessory buildings in the GO zone shall not exceed 35 feet in height within 50 feet of an abutting AG, R-1, or R-2 zone. Otherwise, main and accessory building height maximums shall not exceed 50 feet.

**(4) Setbacks.**

- (a) Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:
1. EC 9.6745 Setbacks - Intrusions Permitted.
  2. EC 9.6750 Special Setback Standards.
- (b) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the development site specifically affected by the new building are subject to the requirements of this subsection. **(See Figure 9.2170(4)(b) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)**
1. In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.
  2. In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a).
  3. In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.
  4. Vehicular parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.
  5. Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street.
  6. The land between the portion of a building complying with EC 9.2170(4)(b)1. or 2. and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection. **(See Figure 9.2170(4)(b)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)**
  7. The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. **(See Figure 9.2170(4)(b)6. Landscaped or**

**Paved Pedestrian Area with Pedestrian Amenities.)**

- (c) Where lot lines abut property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).
  - (d) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.
  - (e) Adjustments. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Within the Downtown Plan Area, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on the criteria at EC 9.8030(16).
- (5) **Landscaping**. The following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.
- (a) Minimum Landscape Area Required. In all commercial zones, except C-2 within the Downtown Plan Area as shown on Map 9.2161(6) and C-3, a minimum of 10 percent of the development site shall be landscaped with living plant materials. Within the C-2 zone within the Downtown Plan Area, a minimum of 5 percent of the development site shall be landscaped with living plant materials. No minimum landscaping is required in the C-3 zone. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.
  - (b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).
  - (c) Landscaping In Interior Yard Setbacks Abutting Residential Zones. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).
  - (d) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.
  - (e) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (a) and (b) may be made based



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on the criteria in EC 9.8030(16).

### (6) **Fences.**

- (a) **Types.** The type of fence, wall or screen used in any situation is limited only by specific requirements stated in landscape standards beginning at EC 9.6200 Purpose of Landscape Standards.
- (b) **Locations and Heights.**
  - 1. Fences up to 42 inches in height are permitted within the minimum or maximum front yard setback whichever is greater.
  - 2. Fences up to 8 feet high are allowed in interior yard setbacks.
  - 3. The height of fences that are not in required setback areas is the same as the regular height limits of the zone.
  - 4. Fences must meet standards in EC 9.6780 Vision Clearance Area. **(See Figure 9.2170(6) Fencing Standards in Commercial Zones and Figure 9.0500 Vision Clearance Area.)**
- (c) **Adjustments.** Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (6)(a) and (6)(b) may be made based on the criteria in EC 9.8030(16).

### (7) **Outdoor Storage Areas.** Except for plant nurseries, outdoor storage is not permitted in any commercial zone. All merchandise to be stored must be enclosed entirely within buildings or structures.

### (8) **Outdoor Merchandise Display.**

- (a) Except for plants and garden supply products, outdoor merchandise display is not allowed in C-1 and GO zones.
- (b) In the C-2 zone, outdoor display of the uses listed in subsection 1. of this subsection, is permitted when in conformance with the standards listed in subsection 2. of this subsection.
  - 1. Plants and garden supply products; motor vehicle sales, service, and repair; new and used boat sales; large equipment sales and rentals; service station pump islands; vending machines; manufactured home sales; children's outdoor play equipment; and hot tubs.
  - 2. Outdoor merchandise display is not permitted in required setback areas. Except for plant and garden supply displays, outdoor display areas shall be set back a minimum of 7 feet from the front lot lines with required setbacks landscaped to at least the EC 9.6210(1) Basic Landscape Standard (L-1).

### (9) **Garbage Screening.** All outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:

- (a) Materials within enclosures shall not be visible from streets and adjacent properties.
- (b) Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).
- (c) Garbage collection areas shall not be located within required setbacks. Trash or recycling receptacles for pedestrians are exempt from these requirements.

### (10) **Underground Utilities.** All utilities on the development site shall be placed underground. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on criteria in EC 9.8030(5). Within the Downtown Plan Area, adjustments to this

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section may be made based on criteria in EC 9.8030(16). Refer also to EC 9.6775.

### (11) **Delivery and Loading Facilities.**

- (a) Delivery and loading facilities are not permitted in required setback areas.
- (b) On lots abutting parcels with a residential zone, delivery and loading facilities shall be set back a minimum of 10 feet from property lines with required interior yard setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

### (12) **Drive-Through Facilities.**

- (a) Application. The regulations in (b) through (e) of this subsection apply to the establishment of new drive through facilities, the addition of travel lanes for existing drive-through facilities in existing developments, and the relocation of an existing drive-through facility.
- (b) Drive-Through Facilities in C-1 Zone. Drive-through facilities are not permitted in C-1 zones.
- (c) Service Areas Setback and Landscaping. Service areas and stacking lanes shall be set back a minimum of 10 feet from all lot lines. Setback areas abutting a street shall be landscaped to at least the standards in EC 9.6210(1) Basic Landscape Standard (L-1). Interior yard setback areas must be landscaped to at least the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
- (d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.
- (e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6415 Loading and Drive-Through Design Standards.
- (f) Adjustments. Except for lots adjacent to land zoned residentially:
  - 1. Outside of the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsection (c) Service Areas Setback and Landscaping may be made based on criteria at EC 9.8030(2) Setback Standards Adjustment.
  - 2. Within the Downtown Plan Area adjustments to subsection (c) Service Areas Setback and Landscaping and subsection (e) Stacking Lanes may be made based on the criteria at EC 9.8030(16).

*(Section 9.2170, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.2171 Special Commercial Zone Development Standards for Table 9.2170.**

*(Section 9.2171, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20353,*

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*enacted November 28, 2005, effective January 1, 2006; and amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009; amended by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; and amended and incorporated into Section 9.2170 by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)*

### **9.2173 Commercial Zone Development Standards - Large Commercial Facilities.**

- (1) Description and Purpose.** The intent of these regulations is to:
  - (a) Improve the appearance and function of large commercial developments in any commercial zone.
  - (b) Encourage efficient use of land resources and urban services.
  - (c) Encourage mixed use.
  - (d) Support transportation options.
  - (e) Promote detailed, human-scale site and building design.
- (2) Application of Standards.**
  - (a) In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, except as provided in subsection (b) below, all of the standards in this section apply to any new building with 25,000 square feet or more of floor area in commercial or non-residential use, and the portion of the development site specifically affected by the new building.
  - (b) The standards in subsections (5), (6), (7), (9) and (11) do not apply with the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map.
- (3) Building Entrances.**
  - (a) All building sides that face an adjacent street shall feature at least one customer entrance. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
  - (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
  - (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
- (4) Off-Street Parking.**
  - (a) No off-street parking shall be located between the front facade of any new building(s) and the primary adjacent street.
  - (b) Individual parking areas may be no larger than 55,000 square feet in size. Separation between individual parking areas may be achieved by placement of internal accessways. Such accessways used to separate parking areas shall have at least one travel lane, curbs, and sidewalks at least 8 feet in width on both sides of the access way.
- (5) Vehicle Connections Between Sites.** For development sites that abut an arterial or collector street, at least one internal vehicle accessway connection must be made between the subject development site and adjacent sites zoned for commercial use.
- (6) On-Site Pedestrian Circulation.** In place of standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large commercial facilities:

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- (a) A continuous internal pedestrian walkway, no less than 8 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.
  - (b) Sidewalks, no less than 8 feet in width, shall be provided along the full length of building walls featuring a customer entrance, and along any wall abutting public parking areas. Such sidewalks shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
  - (c) Sidewalks, no less than 8 feet in width, shall be provided for direct connection to entrances of all new and existing buildings on the development site to one another, except entrances used for loading and unloading freight.
  - (d) Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
  - (e) At least one pedestrian accessway connection, a minimum of 8 feet in width, shall be made to connect the buildings on the subject development site to all adjacent sites either developed or zoned for commercial, office, residential, or institutional use.
  - (f) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (7) Interior Yard Landscaping.** Interior yards abutting a lot with a residential zone shall be provided with landscaping that meets the requirements in EC 9.6210(7) Massed Landscape Standard (L-7). The required landscaping may be pierced by pedestrian and vehicular access ways.
- (8) Service and Loading Areas.**
- (a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.
  - (b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2170(8) Outdoor Merchandise Display.
- (9) Delivery and Loading Facilities.** Delivery and loading facilities shall be set back a minimum of 30 feet from interior yards abutting residentially zoned lots with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).
- (10) Exterior Wall Articulation, Facades, and Ground Floor Windows.**
- (a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. **(See**

**Figure 9.2173(10)(a) Large Commercial Facilities-Exterior Wall Articulation.)**

- (b) Ground floor facades that face streets adjacent to the development site shall have arcades, collonades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. **(See Figure 9.2173(10)(b) Large Commercial Facilities-Exterior Facades.)**
- (c) Except for building walls facing an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to any head height. The portion of window area meeting this standard is from the sill (bottom edge) to the head (top edge) including portions up to 9 feet above the finished grade. Alcoves, entryways, and extruding portions of the wall shall be treated by measuring through such areas as though along the flat wall of a building. **(See Figure 9.2173(10)(c) Large Commercial Facilities-Ground Floor Window Calculation.)** Solid walls are prohibited along street frontages. This standard does not apply to parking structures. For a wall with a loading dock, the wall length referred to in subsection (10)(c)1., below, shall exclude the wall area affiliated with the loading and unloading of freight.
  - 1. General Standard. The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The bottom of the windows shall be no more than 4 feet above the finished grade.
  - 2. Corner Lots. On corner lots, the general ground floor window standard stated in subsection (c) must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. The applicant may choose on which street to apply the general standard.

**(11) Interior Yard Setbacks from Residential Zoning.** Interior yard setbacks shall be a minimum of 30 feet from abutting residentially zoned lots.

**(12) Adjustments.** Except for the Downtown Plan Area, adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the standards in this section may be made based on the criteria at EC 9.8030(16).

*(Section 9.2173, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20280, enacted February 24, 2003, effective March 26, 2003; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and amended by Ordinance 20433, enacted June 8, 2009, and effective July 10, 2009; amended by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)*

**9.2175 Commercial Zone Development Standards - Large Multi-Tenant Commercial Facilities.**

- (1) Description and Purpose.** The intent of these regulations is to assure that the design and layout of large multi-tenant commercial facilities (e.g. shopping centers) facilitates pedestrian safety, comfort, and convenience.

**(2) Application of Standards.**

- (a) In addition to the standards in EC 9.2170 Commercial Zone Development Standards - General, and the standards in EC 9.2173 Commercial Zone Development Standards - Large Commercial Facilities the standards in this section apply to all development projects proposing at least 50,000 square feet of floor area within 3 or more new buildings on a development site, and the portion of the development site specifically affected by the new buildings.
- (b) Notwithstanding subsection (2)(a) above, the standards in this section do not apply to development projects within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map.

**(3) On-Site Vehicle Circulation.** Site plans for large multi-tenant commercial facilities shall clearly indicate the types of circulation facilities to be built on site. **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**

Types to be identified include the following:

- (a) Internal Accessways. Accessways are used to provide separation and circulation between individual parking areas on the site. See EC 9.2173(4)(b). Accessways used to provide separation between parking areas shall have at least one travel lane, curbs, and sidewalks (minimum 8' in width) on both sides of the accessway.
- (b) Private Drive. Private drives are used to provide general circulation around the site and must include the following elements: two travel lanes, sidewalks (minimum 8' in width) on both side of the streets; street trees with an average spacing of 50'; pedestrian-scale lighting and on-street parking (except in required fire lanes).
- (c) Shopping Streets. Shopping streets are part of the general circulation system, are designed to provide a comfortable and pleasant shopping environment for the pedestrian, and may be either public or private streets. Shopping streets must include the following elements: two travel lanes, sidewalks (minimum 12' in width) on both sides of the street; street trees planted within planting strip and with an average spacing of 50', pedestrian-scale lighting; curb extensions at intersections and on-street parking. **(See Figure 9.2175(3)(c) Shopping Street Standards.)**

**(4) Shopping Street Site Layout.**

- (a) To insure that large multi-tenant centers include pedestrian-oriented areas, the site plan must include a shopping street designed to accommodate and stimulate pedestrian activity.
- (b) Shopping streets blocks shall not exceed 400' in length.
- (c) Buildings shall occupy at least 80% of the frontage on both sides of the shopping street. **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**

**(5) Building Orientation.**

- (a) All buildings on the site must be oriented to either a public street, a private drive, or a shopping street. The building orientation standard is met when the building is placed within the maximum setback established for the zone. The maximum setback may be exceeded if the area between the building and the street or private drive is landscaped or is an enhanced pedestrian space. **(See Figure 9.2175(3)(c) Shopping Street Standards.)**

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- (b) Private drives used to meet building orientation standards must incorporate street design elements described in EC 9.2175(3)(b). When private drives are used, the setback is measured from the back of the sidewalk.
- (c) On all buildings that meet the building orientation standard, building entries must be in compliance with EC 9.2173(3)(b). **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**
- (6) Pedestrian Amenities and Community Spaces.**
  - (a) Each development site subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing a space where at least two of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower or other similar focal feature or amenity. Any such area shall have direct access to the public sidewalk network and be placed in a visible location that is convenient for use as a public gathering area.
  - (b) The review authority may find compliance with this standard if the proposed pedestrian amenities and community spaces are incorporated as part of the shopping street. Examples include wider sidewalks, special paving, ornamental lighting, planters, public benches and seating walls, and public art. **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)**
- (7) Adjustments.** Adjustments to the standards in this section may be made, based on criteria at EC 9.8030(7) Large Multi-tenant Commercial Facilities Standards Adjustment.

*(Section 9.2175, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, and effective July 10, 2009.)*

**9.2180 Commercial Zone Lot Standards.** The following Table 9.2180 sets forth lot standards within commercial zones. The numbers enclosed within (#) indicate a special development standard of EC 9.2181.

<b>Table 9.2180 Commercial Zone Lot Standards</b> <b>(See EC 9.2181 Special Standards for Table 9.2180.)</b>				
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>GO</b>
<b>Area Minimum (1)</b>				
All Lots	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
<b>Frontage Minimum (1)</b>				
Interior Lot	50 feet	50 feet	50 feet	50 feet
Corner Lot	50 feet	50 feet	50 feet	50 feet
Curved Lot	35 feet	35 feet	35 feet	35 feet
Cul-de-sac Bulb	35 feet	35 feet	35 feet	35 feet
Flag Lot				
1 Lot	15 feet	15 feet	15 feet	15 feet
2 to 4 Lots	25 feet	25 feet	25 feet	25 feet
<b>Width Minimum (1)</b>				
Interior Lot	50 feet	50 feet	50 feet	50 feet
Corner Lot	50 feet	50 feet	50 feet	50 feet
Curved Lot	35 feet	35 feet	35 feet	35 feet
Cul-de-sac Bulb	35 feet	35 feet	35 feet	35 feet
Flag Lot	40 feet	20 feet	20 feet	20 feet

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*(Section 9.2180, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.2181 Special Standards for Table 9.2180.**

- (1)** Lot area, frontage, and width minimums may be adjusted in accordance with the provisions of EC 9.8030(1). Modifications may be approved through a planned unit development. (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.)

*(Section 9.2181, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*



## Employment and Industrial Zones

**9.2400** **Purpose of E-1 Campus Employment Zone.** The purpose of the E-1 Campus Employment zone is to implement the Campus Industrial designation of the Metro Plan by providing large areas for a variety of light industrial and office-based scientific, medical, research and development, or other professional firms to locate in a campus-like setting. In general, this zone is designed for firms that will help achieve economic diversification objectives and that typically have a large number of employees per acre. The activities of such firms do not generate offensive external impacts and usually do not tolerate substantial noise, pollution, or vibration from surrounding uses. The “campus” setting is characterized by enhanced landscaping, pedestrian amenities, and unique architectural design. Provision is also made for small-scale complementary commercial uses that primarily serve employees in the area and are preferably part of a mixed-use development.

*(Section 9.2400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2405** **Purpose of E-2 Mixed Use Employment Zone.** The purpose of the E-2 Mixed Use Employment zone is to implement the Light-Medium Industrial designation of Metro Plan by providing areas for a mixture of compatible employment opportunities – both industrial, office, and commercial – that benefit from multi-modal transportation access. The zone is generally sited along key transit corridors with existing commercial and industrial businesses. It is intended to provide a wide range of permitted uses, while creating a transit-supportive, pedestrian friendly corridor.

*(Section 9.2405 added by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2410** **Purpose of I-2 Light-Medium Industrial Zone.** The purpose of the I-2 Light-Medium Industrial zone is to implement the Light-Medium Industrial designation of the Metro Plan by providing areas to serve a wide variety of manufacturing and other industrial activities with controlled external impacts in locations designated for Light-Medium Industry in the Metro Plan. These types of industries are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. Supporting offices and small-scale commercial uses that serve employees in the immediate area are permitted.

*(Section 9.2410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2420** **Purpose of I-3 Heavy Industrial Zone.** The purpose of the I-3 Heavy Industrial zone is to implement the Metro Plan by providing areas to serve a range of manufacturing uses including those involved in the processing of large volumes of raw materials into refined products and/or industrial uses that have significant external impacts. In general, these areas are designated for heavy industry in the Metro Plan. Heavy industrial uses often have transportation needs that include both rail and truck. Less intensive industrial uses that are permitted in the Light-Medium Industrial zone are also permitted.

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(Section 9.2420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

- 9.2430 Employment and Industrial Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:
- (1) **E-1 Campus Employment.** This zone is limited to areas designated Campus Industrial in the Metro Plan.
  - (2) **E-2 Mixed Use Employment.** This zone is limited to areas designated Light-Medium Industrial in the Metro Plan and those that meet either (a) or (b) of the following minimum siting requirements:
    - (a) Property has frontage on an arterial street.
    - (b) Contiguous to parcels currently zoned E-2 or C-2 Community Commercial.
  - (3) **I-2 Light-Medium Industrial.** This zone is limited to areas designated Light-Medium Industrial in the Metro Plan or those that meet all of the following minimum siting requirements:
    - (a) Access to arterial streets without undue negative impact on residential streets.
    - (b) No more than 5 acres.
    - (c) Sufficient street frontage to accommodate structures, parking, and access in character with adjacent non-industrial properties.
  - (4) **I-3 Heavy Industrial.** This zone is limited to areas designated either Heavy Industrial or Special Heavy Industrial in the Metro Plan.

(Section 9.2430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

- 9.2450 Employment and Industrial Zone Land Use and Permit Requirements.** The following Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements identifies those uses in the Employment and Industrial 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 that are described in EC 9.2451.

The examples listed in Table 9.2450 are for informational purposes and are not exclusive. Table 9.2450 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

<b>Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
<b>Accessory Uses</b>				
Accessory Uses. <u>Examples</u> include administration offices, and storage and distribution incidental to the primary use of the site.	P	P	P	P

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<b>Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
<b>Agricultural, Resource Production and Extraction</b>				
Horticultural Uses. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.		P	P	P
Mineral Resource Mining, Recovery, Stockpiling, Processing (excluding smelter or ore reduction)			SR	SR
<b>Eating and Drinking Establishments</b>				
Bar and Tavern	P(4)	P(2)	P(4)	
Delicatessen	P(4)	P(2)	P(4)	
Restaurant	P(4)	P(2)	P(4)	
Specialty Food and Beverage. <u>Examples</u> include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(4)	P(2)	P(4)	
<b>Education, Cultural, Religious, Social and Fraternal</b>				
Artist Gallery/Studio		P	P	P
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	C(6)	P	C(6)	
Church, Synagogue, and Temple, including associated residential structures for religious personnel, in existence or permitted by an approved CUP by June 23, 2014	C			
Club and Lodge of State or National Organization		P	P	P
Library	P	P		
Museum	P	P		
School, Business or Specialized Educational Training (excludes driver instruction)	P	P	P	P
School, Driving (including use of motor vehicles)			P	P
<b>Entertainment and Recreation</b>				
Amusement Center (Arcade, pool tables, etc.)		P(2)		
Athletic Facility and Sports Club	P(4)	P(2)		
Bowling Alley		P(2)		
Golf Course, Miniature Indoor and Outdoor		P(2)		
Race Track, including drag strip and go-cart tracks			C	C
Theater, Live Entertainment	C(6)	P(2)	C(6)	
Theater, Motion Picture		P(2)		
<b>Financial Services</b>				
Automated Teller Machine (ATM)	P	P	P	P
Bank, Savings and Loan Office, Credit Union	P(4)	P(2)	P(4)	
<b>Government</b>				
Government Services, not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include: a fire station.	P	P	P	P
<b>Information Technology Services</b>				
Computer Networking (includes services and technical support center)	P	P	P	
E-commerce (includes call centers, online sales & shipping, and business-to-business services)	P	P	P	
Internet and Web Site (includes services and technical support center)	P	P	P	
Software Development (includes services and technical support center)	P	P	P	
<b>Lodging</b>				

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<b>Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
Homeless Shelter in Existence as of January 1, 1984 (See EC 9.5300)				S
Homeless Shelter Not in Existence as of January 1, 1984		C	C	C
Hotel, Motel, and similar business providing overnight accommodations		P		
<b>Manufacturing (Includes processing, assembling, packaging, and repairing)</b>				
Apparel, Clothing, and other finished products made from fabrics, wool, yarn and similar materials	P	P	P	P
Asphalt Mixing and Batching/Concrete Mixing and Batching			SR	SR
Chemical, Drug, Cosmetics, and Related Products	P	P	P	P
Cleaning and Dyeing Plant		P	P	P
Concrete, Gypsum, and Plaster Products		P	P	P
Contractor's Storage Yard		P	P	P
Electronic and Communication Components, Systems, Equipment, and Supplies, includes computers and semi-conductors	P	P	P	P
Explosives, includes manufacturing				C
Food and Beverage Products	P	P	P	P
Furniture and Fixtures		P	P	P
Glass Products		P	P	P
Handcraft Industries, small scale manufacturing		P	P	P
Leather Products		P	P	P
Lumber and Wood Products		P	P	P
Machinery		P	P	P
Measuring, analyzing, and controlling instruments and time pieces	P	P	P	P
Metal Products Fabrication, machine/welding shops(no blast furnaces)		P	P	P
Motion Picture Production, Distribution, and Allied Services	P	P	P	P
Motor Vehicles and Transportation Equipment		P	P	P
Paints and Allied Products		P	P	P
Paper and Allied Products		P	P	P
Photographic and Copying Equipment	P	P	P	P
Precision Testing, Medical, Optical, Surgical, and Dental Goods	P	P	P	P
Recycling – composting, facilities requiring DEQ permit		P	P	P
Recycling – deconstruction, reuse, resale	P	P	P	
Recycling – large collection facility				P
Recycling – reverse vending machine		P	P	P
Recycling – scrap and dismantling yard (includes vehicle wrecking and salvage)				P
Recycling – small collection facility (See EC 9.5650)		S	S	P
Rubber and Plastic Products		P	P	P
Signs and Advertising Displays		P	P	P
Slaughterhouse and Rendering Plant (indoor only)				P
Stone, Cut Stone, and Clay Products		P	P	P
Textiles		P	P	P
<b>Medical, Health, and Correctional Services</b>				

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<b>Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
Blood Bank		P		
Correctional Facility, excluding Residential Treatment Center	C	C	C	C
Clinic or other Medical Health Treatment Facility (including mental health)	P	P		
Drug Treatment Clinic - Non-Residential	P(5)	P(5)	P(5)	
Hospital	P	P		
Laboratory, includes medical, dental, and x-ray. In the E-1 zone, the use shall directly serve manufacturers, or other employment and industrial or commercial enterprises, but exclude services offered on premises to the general public other than on an incidental basis.	P	P		
Residential Treatment Center	C	C		
<b>Motor Vehicle Related Uses</b>				
Car Wash		P(2)		
Motor Vehicle Sales/Rental/Service, excluding recreational vehicles and heavy trucks		P	P	
Motorcycle Sales/Rental/Service		P		
Parking Area not directly related to a primary use on the same development site	P		P	P
Parts Store		P(2)		
Recreational Vehicle and Heavy Truck, Sales/Rental/Service		P(2)	P	P
Repair, includes paint and body shop		P(2)	P	P
Service Station, includes quick servicing --Only permitted if property is located over one-half mile by motor vehicle travel from commercially zoned land.		P(2)	P	P
Structured Parking, up to two levels not directly related to a primary use on the same development site	P	P	P	
Structured Parking, three or more levels not directly related to a primary use on the same development site	P	P	P	
Tires, Sales/Service		P(2)	P	P
Transit, Neighborhood Improvement	P	P	P	P
Transit Park and Ride, Major or Minor	P	P	P	P
Transit Station, Major or Minor	P	P	P	P
Trucking Terminal			P	P
<b>Office Uses</b>				
Administrative, General, and Professional Offices	P	P		
Scientific and Educational Research Center	P	P	P	P
<b>Personal Services</b>				
Barber, Beauty, Nail, Tanning Shop	P(4)	P(2)	P(4)	
Day Care Facility (Not associated with a residence)	P(4)	P(2)	P(4)	
Dry Cleaner	P(4)	P(2)		
Film, drop-off/pick-up	P(4)	P(2)		
Locksmith Shop	P(4)	P(2)	P	
Laundromat	P(4)	P(2)		
Mailing and Package Service	P(4)	P(2)	P	
Shoe Repair Shop	P(4)	P(2)	P	
Tailor Shop	P(4)	P(2)		
<b>Residential</b>				

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<b>Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
<b>Dwellings</b>				
One-Family Dwelling	P(1)	P(1)	P(1)	P(1)
<b>Trade (Retail and Wholesale)</b>				
Agricultural Machinery Rental/Sales/Service		P(2)	P	P
Appliance Sales/Service		P(2)		
Bicycle Rental/Sales/Service	P(4)	P(2)		
Boat and Watercraft Sales/Service		P(2)	P	P
Book Store	P(4)	P(2)		
Building Materials and Supplies			P	P
Computer Store	P(4)	P(2)		
Convenience Store	P(4)	P(2)	P(4)	
Drug Store (excluding Drug Treatment Center)	P(4)	P(2)		
Electrical Appliances and Supplies	P(4)	P(2)		
Equipment, Light, Rental/Sales/Service		P(2)	P	P
Equipment, Heavy, Rental/Sales/Service- includes truck and tractor sales		P(2)	P	P
Fabric Store		P(2)		
Floor Covering Store		P(2)		
Furniture and Home Furnishings Stores		P(2)		
Garden Supply/Nursery, includes feed and seed store		P(2)	P	
General Merchandise (includes supermarket and department store)		P(2)		
Hardware/Home Improvement Store		P(2)		
Healthcare Equipment and Supplies	P(4)	P(2)		
Liquor Store		P(2)		
Manufactured Dwelling Sales/Service/Repair		P(2)	P	P
Office Equipment and Supplies	P(4)	P(2)		
Plumbing Supplies		P(2)	P	P
Retail trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site	P(3)	P(3)	P(3)	P(3)
Storage Facility, Household/Consumer Goods		P(2)	P	P
Specialty Store (an example includes a gift store)	P(4)	P(2)		
Toy and Hobby Store		P(2)		
Video Store		P(2)		
Wholesale, Warehousing, and Distribution	P	P	P	P
<b>Utilities and Communication</b>				
Amateur Radio Antenna Structure (See EC 9.5050)			S	S
Broadcasting Studio, Commercial and Public Education	P	P	P	
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.	SR	P	P	P

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<b>Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
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 Type II procedure that shows low visual impact.	SR	P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S	S	S	S
Water Reservoir, elevated above ground level	SR	SR	SR	SR
<b>Other Commercial Services</b>				
Building Maintenance Services	P(4)	P(2)	P	P
Catering Services	P(4)	P(2)		
Crematoria			P	P
Collection Center, Collection of Used Goods (See EC 9.5150)		S	P	P
Garbage Dump, Sanitary Land Fill			C	C
Heliport and Helistop			C	C
Kennel			C	C
Mortuary		P(2)		
Photographers' Studio		P(2)	P(4)	
Picture Framing and Glazing		P(2)	P(4)	
Printing, Blueprinting and Duplicating	P(4)	P(2)	P	P
Publishing Service	P	P(2)	P	P
Temporary Activity (See EC 9.5800)	S	S	S	S
Train Station		P	P	P
Upholstery Shop		P(2)		
Veterinarian Service		P(2)		

*(Section 9.2450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2451 Special Use Limitations for Table 9.2450.**

- (1) **Residential Standards.** In all employment and industrial zones, one dwelling unit is allowed per development site. That unit may be contained within the primary structure on-site or it may be an external, stand-alone unit if it meets the following criteria:
  - (a) Unit shall not be located between the primary structure and the front property line, unless development in existence as of June 23, 2014 precludes compliance.
  - (b) Unit shall be generally sited behind the primary structure except where development in existence as of June 23, 2014 precludes compliance.
- (2) **Special Allowances for properties with frontage on major arterial streets in the E-2 zone.** On lots with frontage on a major arterial street, the uses allowed in Table 9.2450 subject to this standard shall not exceed 30,000 square feet per development site. This square footage limitation shall apply only to new development, and it shall not preclude reuse of existing buildings.

- (3) Special Retail Trade Allowance when accessory and directly related to the primary use in the E-1, E-2, I-2, and I-3 zones.** Commercial uses allowed in Table 9.2450 subject to this standard can comprise up to 50 percent of the total square footage of the primary use on the development site and shall not exceed 30,000 square feet. The primary employment and industrial use must comprise no less than 50 percent of the total square footage.
- (4) Special Allowances when independent from the primary use in the E-1 and I-2 zones.** These uses shall not exceed the following square footage limitations. The primary employment and industrial use must comprise no less than 50 percent of the total square footage.

  - (a) In the E-1 Campus Employment zone, the uses can comprise up to 20 percent of the total square footage of the primary use on a development site. No single "Specialty Retail" establishment shall exceed 5,000 square feet.
  - (b) In the I-2 Light Industrial zone, the uses can comprise up to 5,000 square feet on development sites with frontage on an arterial street.
- (5) Drug Treatment Clinic - Non-Residential.** Use is permitted on property located within a quarter mile of a transit route.
- (6) Use of Existing Buildings.** Theaters with live entertainment and ballet, dance, martial arts, and gymnastic school/academy/studio are conditionally permitted in existing buildings. No new buildings shall be constructed in the employment and industrial zones with the primary purpose of live theatrical productions or ballet, dance, martial arts, and gymnastic school/academy/studio.

*(Section 9.2451, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2460 Employment and Industrial Zone Development Standards.**

- (1) Intent.** The employment and industrial zone development standards are intended to achieve the following:

  - (a) Improve the quality and appearance of business and industrial development in the city.
  - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
  - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
  - (d) Increase opportunities for use of alternative modes of transportation.
  - (e) Regulate the intensity of uses allowed on a site.
  - (f) Promote streetscapes that are consistent with the desired character of the various employment and industrial zones.
  - (g) Promote safe, attractive, and functional pedestrian circulation systems in employment and industrial areas with higher employment ratios.
- (2) Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2460 Employment and Industrial Zone Development Standards shall apply to all development in employment and industrial zones. In cases of conflict,



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the standards specifically applicable in employment and industrial zones shall apply.

<b>Table 9.2460 Employment and Industrial Zone Development Standards</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
Maximum Building Height (1)	80 feet	80 feet	None	None
Minimum Front Yard Setback (2)(4)				
Frontage on Arterial Street	20 feet	15 feet	0 feet	0 feet
Frontage on all other streets	20 feet	5 feet	0 feet	0 feet
Maximum Front Yard Setback				
Frontage on Arterial Street		25 feet		
Frontage on all other streets		15 feet		
Minimum Interior Yard Setback				
Abutting any zone except residential or park and open space (2)	0 feet	0 feet	0 feet	0 feet
Abutting residential or park and open space zone (2)	20 feet	20 feet	20 feet	20 feet
Minimum Landscape Standard abutting a residential zone (3)	High Screen	High Screen	High Wall	High Wall
Minimum Landscape Area (3)	20%	10%	Some (3)	Some (3)
On-Site Pedestrian Requirements (5)	Yes	Yes	No	No
Fences (6)				
Outdoor Storage Areas (7)				
Outdoor Merchandise Display (8)				
Garbage Screening (9)				
Utilities (10)				
Drive Through Facilities (11)				
Delivery and Loading Facilities (12)				

(Section 9.2460, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

**9.2461 Special Development Standards for Table 9.2460.**

- (1) **Building Height.** Buildings in employment and industrial zones are subject to the general height regulations contained in:
  - (a) EC 9.6715 Height Limitation Areas;
  - (b) EC 9.6720 Height Exceptions for Roof Structures and Architectural Features; and
  - (c) Subject to the limitations in (a) and (b) of this subsection, in the E-1 and E-2 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.
- (2) **Exceptions.** Exceptions to the general setbacks stated in Table 9.2460 Employment and Industrial Zone Development Standards are contained in the following:
  - (a) EC 9.6745 Setbacks - Intrusions Permitted.
  - (b) EC 9.6750 Special Setback Standards.
- (3) **Landscape Standards.**
  - (a) Minimum Landscape Area Required.
    1. In E-1, a minimum of 20 percent of the development site shall be

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landscaped with living plant materials. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscape, such as for required front or interior yard setbacks, or off-street parking areas, shall apply toward any development site area landscape requirement.

2. Minimum landscape area requirements do not apply to developments in I-2 and I-3 zones except as associated with parking lot landscape and off-street loading requirements.
- (b) Landscaping in Front Yard Setbacks.
1. In E-1, required front yard setbacks along arterial streets shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(7) Massed Landscape Standard (L-7). Front yard setbacks along collector or local streets shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(1) Basic Landscape Standard (L-1). The required landscaping may be pierced by pedestrian and vehicular access ways.
  2. In E-1, I-2 and I-3, required front yard setbacks shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(1) Basic Landscape Standard (L-1). The required landscaping may be pierced by pedestrian and vehicular access ways.
- (c) Landscaping in Interior Yard Setbacks Abutting Residential Zones.
1. In E-1 and E-2, required interior yard setbacks adjacent to a residential zone shall be provided with landscaping that is at least 10 feet in width and complies, at a minimum, with the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
  2. In I-2 and I-3, required interior yard setbacks adjacent to a residential zone shall be provided with landscaping that is at least 10 feet in width and complies, at a minimum, with the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).
- (d) Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedures.
- (4) **Front Yard Setbacks and Building Orientation**. The front yard setbacks stated in Table 9.2460 Employment and Industrial Zone Development Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street by at least 100%. In addition, all new buildings and the portion of the development site specifically affected by the new building are subject to the requirements of this subsection.
- (a) In the E-2 zone, a minimum of 25% of all street facing facades must be built within the specified front yard setback.
  - (b) In the E-2 zone, vehicular parking and circulation is not permitted between the street and the portion of the building that is used to comply with this subsection.
  - (c) In the E-1 and E-2 zones, buildings fronting on a street must provide a main entrance facing the street on the facade of the building located within the specified front yard setback.

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- (d) The requirements of (a) through (c) do not apply to developments in the I-2 and I-3 zones.
- (5) **Pedestrian Circulation.** Pedestrian facilities are required in E-1 and E-2 as specified in EC 9.6730 Pedestrian Circulation On-Site of this land use code. On-site pedestrian facilities are not required in I-2 or I-3, except for uses listed as P(3) or P(4) in Table 9.2450.
- (6) **Fences.**
- (a) Types. The type of fence, wall, or screen used in any situation is limited only by specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences. Chain link fencing is prohibited within E-1.
- (b) Location and Heights.
1. Fences up to 42 inches in height are permitted within the front yard setback.
  2. Fences up to 8 feet high are permitted in the interior yard setbacks.
  3. The height of fences that are not in required setback areas is the same as the regular height limits of the zone.
  4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.
- (7) **Outdoor Storage Areas.** Outdoor storage is permitted in the employment and industrial zones. The applicable setbacks and landscaping standards for outdoor merchandise display are stated in Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping. The following additional requirements are applicable in the E-1 Campus Employment zone.
- (a) Front Setback. Outdoor storage is not permitted in required setback areas. Additionally, outdoor storage shall be located no closer to the front property line than the front façade of the main building on the development site.
- (b) Residential Adjacency. Except for passenger vehicular fleet parking, outdoor storage is not permitted on lots abutting residential zones.
- (c) Height Limit. Outdoor storage materials shall not be stored at levels that exceed 30 feet from grade.
- (8) **Outdoor Merchandise Display.** Outdoor display of goods is permitted in all employment and industrial zones except E-1. The applicable setbacks and landscaping standards for outdoor merchandise display are stated in Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping.

Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping					
		E-1	E-2	I-2	I-3
<b>Outdoor Storage</b>					
Adjacent to a street.	Permitted:	Yes	Yes	Yes	Yes
	Setback:	20 feet	15 feet	10 feet	10 feet

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<b>Table 9.2461(8) Outdoor Storage and Display-Setbacks and Landscaping</b>					
		<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
	Landscape:	Low Screen Landscape Standard – (L-2)	Low Screen Landscape Standard – (L-2)	High Wall Landscape Standard – (L-3)	High Wall Landscape Standard – (L-3)
Adjacent to a commercial or employment and industrial zone.	Permitted:	Yes	Yes	Yes	Yes
	Setback:	10 feet	10 feet	None	None
	Landscape:	Low Screen Landscape Standard – (L-2)	Low Screen Landscape Standard – (L-2)	Screening Fence Landscape Standard – (L-5)	None
Adjacent to a residential or park and recreation zone.	Permitted:	Yes	Yes	Yes	Yes
	Setback:	10 feet	10 feet	10 feet	10 feet
	Landscape:	High Screen Landscape Standard – (L-3)	High Screen Landscape Standard – (L-3)	High Wall Landscape Standard - (L-4)	High Wall Landscape Standard – (L-4)
<b>Outdoor Display</b>					
Adjacent to a street.	Permitted:	No	Yes	Yes	Yes
	Setback:		10 feet	10 feet	10 feet
	Landscape:		Low Screen Landscape Standard – (L-2)	Low Screen Landscape Standard – (L-2)	Low Screen Landscape Standard – (L-2)
Adjacent to a commercial or employment and industrial zone.	Permitted:	No	Yes	Yes	Yes
	Setback:		10 feet	None	None
	Landscape:		Low Screen Landscape Standard – (L-2)	None	None
Adjacent to a residential or park and recreation zone.	Permitted:	No	No	No	No

- (9) Garbage Screening.** In all zones except I-3 Heavy Industrial, garbage collection areas must be screened so as to meet the standards of subsections (a) and (b) below. Trash receptacles for pedestrian use are exempt from these requirements.
- (a) Required screening shall comply with one of the following:
    1. EC 9.6210(3) High Screen Landscape Standard (L-3).
    2. EC 9.6210(4) High Wall Landscape Standard (L-4).
    3. EC 9.6210(5) Partial Screen Fence Landscape Standard (L-5).
  - (b) Garbage collection areas shall not be located within required setback areas or within required landscape areas associated with parking areas.

- (10) Utilities.** Within E-1 and E-2, all utilities on the development site shall be placed underground, unless adjusted pursuant to the provisions of EC 9.8030(5) of this land use code. Undergrounding of utilities is not required in I-2 and I-3. This provision does not apply to temporary uses on a development site. This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with a planned future development to occur within 12 months. Exceptions shall be made for such features as pad mounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.
- (11) Drive-Through Facilities.**
- (a) Application. The following regulations apply to all uses that have drive-through facilities including new developments, the addition of drive-through facilities in existing developments, and the relocation of an existing drive-through facility.
  - (b) Drive-Through Facilities in E-1, I-2, or I-3. Drive-through facilities for eating and drinking establishments are not permitted in E-1. Drive-through facilities are not permitted in I-2 or I-3.
  - (c) Service Areas Setback and Landscaping. Service areas and stacking lanes must be set back a minimum of 10 feet from all lot lines. Front yard setbacks shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2). Interior yard setbacks shall be provided with landscaping that complies, at a minimum, with the standards in EC 9.6210(3) High Screen Landscape Standard (L-3).
  - (d) Driveway Entrances. All driveway entrances, including stacking lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.
  - (e) Pedestrian Access and Drive Aisles. In E-1 and E-2, direct pedestrian access shall be provided from the public right of way to the primary entrance. Drive aisles for vehicular circulation are not permitted between the street and primary entrance.
  - (f) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6420 Parking Area Standards.
  - (g) Adjustments. Adjustments to the standards stated in this subsection may be made based on criteria at EC 9.8030(2)(c) Setback Standards Adjustment.
- (12) Delivery and Loading Facilities.**
- (a) Delivery and loading areas are not permitted in required setback areas.
  - (b) On lots abutting parcels zoned for residential development, delivery and loading facilities shall be setback a minimum of 20 feet from property lines with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

*(Section 9.2461, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2463 Employment and Industrial Zone Development Standards - Large Facilities.**

- (1) Description and Purpose.** The purpose of these regulations is to:
- (a) Improve the appearance and function of large employment developments, while maintaining compatibility with adjacent property.

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- (b) Create an attractive streetscape with a strong building presence on existing and future streets.
  - (c) Support all modes of transportation and improve pedestrian safety, comfort, and convenience.
  - (d) Promote human-scale site and building design with attention paid to visual detail.
- (2) **Application of Standards.** In addition to the standards of EC 9.2460, the standards in this section apply to any new building in the E-1 and E-2 zones with 25,000 square feet or more of floor area and the portion of the development site specifically affected by the new building.
- (3) **Exemption.** That portion of a building that contains warehouse and manufacturing space is exempt from subsection (7), below.
- (4) **Building Entrances.**
- (a) All building sides that face an adjacent street shall feature at least one customer entrance. **(For examples, see Figure 9.2173(3))**
  - (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
  - (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. **(For examples, see Figure 9.2173(3))**
- (5) **Off-Street Parking.**
- (a) In the E-1 Campus Employment zone, a drive aisle and single row of parking may be located between the front façade and the primary adjacent street. Vehicle use area is subject to front setbacks.
- (6) **On-Site Pedestrian Circulation.** In addition to the standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large facilities:
- (a) A continuous internal pedestrian walkway, no less than 5 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.
  - (b) Sidewalks, no less than 5 feet in width, shall be provided along the full length of building walls and shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
  - (c) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (7) **Exterior Wall Articulation, Facades, and Ground Floor Windows.**
- (a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade

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and extending at least 20 percent of the length of the facade. **(For examples, see Figure 9.2173(10)(a).)**

- (b) Except for building walls facing an alley, ground floor walls shall contain windows at the ground level. Solid walls are prohibited along street frontages. This standard does not apply to parking structures or the portion of a wall on which a loading dock is located.
  - 1. General Standard. The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. The portion of window area meeting this standard is that located between 4- and 9-feet above finished grade. **(For examples, see Figure 9.2173(10)(c).)**
  - 2. Corner Lots. On corner lots, the general ground floor window standard stated in subsection (b)1. must be met on one street frontage only. On the other street(s), the windows shall occupy at least 25% of the length and 12.5% of the ground floor wall area. The applicant may choose on which street to apply the general standard.
- (8) Interior Yard Setbacks from Residential Zoning.** Interior yard setbacks shall be a minimum of 30 feet from abutting residentially zoned lots.
- (9) Adjustments.** Adjustments to standards (1) through (7) stated in this section may be made based on criteria at EC 9.8030(33) Large Employment Facilities Standards Adjustment.

*(Section 9.2463 added by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2470 Employment and Industrial Zone Lot Standards.** The following Table 9.2470 sets forth lot standards within employment and industrial zones. The numbers enclosed within (#) indicate a special standard of EC 9.2471.

<b>Table 9.2470 Employment and Industrial Zone Lot Standards</b>				
	<b>E-1</b>	<b>E-2</b>	<b>I-2</b>	<b>I-3</b>
<b>Area Minimum (1)</b> All Lots	2 acres	6,000 square feet	6,000 square feet	6,000 square feet
<b>Frontage Minimum (1)</b> Interior Lot	50 feet	50 feet	50 feet	50 feet
Corner Lot	50 feet	50 feet	50 feet	50 feet
Curved Lot	35 feet	35 feet	35 feet	35 feet
Cul-de-sac Bulb	35 feet	35 feet	35 feet	35 feet
Alley Access	na	na	na	na
Flag Lot				
1 Lot	15 feet	15 feet	15 feet	15 feet
2 to 4 Lots	25 feet	25 feet	25 feet	25 feet
<b>Width Minimum (1)</b> Interior Lot	50 feet	50 feet	50 feet	50 feet
Corner Lot	50 feet	50 feet	50 feet	50 feet
Curved Lot	35 feet	35 feet	35 feet	35 feet
Cul-de-sac Bulb	35 feet	35 feet	35 feet	35 feet
Alley Access	50 feet	50 feet	50 feet	50 feet
Flag Lot	40 feet	20 feet	20 feet	20 feet

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*(Section 9.2470, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.2471     Special Standards for Table 9.2470.**

- (1)** Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.8030(1) of this land use code. Modifications may be approved through a site review or planned unit development. (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.)

*(Section 9.2471, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*



## Natural Resource Zone

**9.2500 Purpose of NR Natural Resource Zone.** The NR natural resource zone is designed to implement the Metro Plan by providing areas that will be preserved for long-term protection of native vegetation, wetlands, waterways, wildlife habitat, rare plants and surface and ground water quality. In general, this zone is intended to protect outstanding natural resource areas identified in adopted plans. The NR zone is also intended to address state and federal laws and policies that regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws. The natural functions and values intended to be protected by this zone include all of the following:

- (1) Habitat for federally listed rare, threatened, or endangered plant and animal species.
- (2) Floodwater storage and conveyance.
- (3) Sediment and erosion control.
- (4) Natural pollution control.
- (5) Fish and wildlife habitat.
- (6) Aquifer recharge and water supply.
- (7) Native plant communities.

It is recognized that each natural resource area may not exhibit all of these functions and values.

*(Section 9.2500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2510 Natural Resource Zone Siting Requirements.** If consistent with the approval criteria in EC 9.8865 Zone Change Approval Criteria, the NR zone may be applied to wetlands, water features and other natural areas that are:

- (1) Not included on the city's acknowledged Goal 5 inventory and are:
  - (a) Recognized as a locally outstanding natural resource area in an adopted plan; or
  - (b) Less than 5 acres in size and providing habitat for a federally listed rare, threatened, or endangered plant or animal species; or
  - (c) Less than 5 acres in size and serving at least 2 of the natural functions and values listed in EC 9.2500 Purpose of NR Natural Resource Zone.
- (2) Included on the city's acknowledged Goal 5 inventory and are designated as "wetlands to be protected" or "wetlands to be enhanced for mitigation credit" on Map 3 of the adopted West Eugene Wetlands Plan and acquired by a public agency or non-profit conservation organization.

*(Section 9.2510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2520 Natural Resource Zone Land Use and Permit Requirements.** The provisions of the NR zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas. In cases where the NR zone overlaps with the /WB wetland buffer overlay zone or the /WP waterside protection overlay zone, only the provisions of the NR zone are applied.

- (1) **Uses Permitted.** The following uses are permitted in the NR zone:
  - (a) Removal of refuse or any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.
  - (b) Removal of non-native or invasive plant species included on a list

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- (c) approved by the planning director and kept on file at the city.
  - (c) Planting or replanting with native plants included on a list approved by the planning director and kept on file at the city.
  - (d) Site management and maintenance practices that maintain or improve natural functions and values or protect public health and safety, consistent with adopted plans and policies. When deemed necessary by the planning director in order to protect human health or safety or to prevent a nuisance, this includes, but is not limited to, removal of vegetation by non-chemical means within a strip not to exceed 15 feet in width where a property zoned NR abuts private property in any other zone.
  - (e) Wetland and natural area restoration and enhancement of natural functions and values, that involve displacement, excavation or relocation of 50 cubic yards or less of earth, and which carry out the purpose of this zone, and are consistent with adopted plans and policies.
  - (f) Channel maintenance to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, or intergovernmental agreements.
  - (g) Maintenance activities designated as utility corridors identified in the West Eugene Wetlands Plan or other adopted plan.
- (2) Uses Subject to a Conditional Use Permit.** The following uses are permitted conditionally in the NR zone:
- (a) Nature interpretive centers and wetland research facilities, when such centers or facilities are specified in or consistent with adopted plans or policies.
  - (b) Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resource areas.
- Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19), in addition to EC 9.8090 Conditional Use Permit Approval Criteria - General.
- (3) Uses Subject to Standards Review Approval.** The following uses are permitted within the NR zone subject to the standards review process beginning with EC 9.8460 Purpose of Standards Review:
- (a) Construction of trails, boardwalks, viewing platforms, interpretive information kiosks and trail signs. Subject to EC 9.2530 Natural Resource Zone Development Standards (9) through (13) and (15) through (16).
  - (b) Restoration and enhancement of natural functions and values that involve displacement, excavation or relocation of more than 50 cubic yards of earth and carry out the objectives of this zone, including, but not limited to, realignment and reconfiguration of channels and pond banks. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  - (c) Construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and sedimentation ponds, and do not include adding impervious surfaces. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9). As used in this subsection:
    1. Grassy swales are shallow ditches lined with grass for the

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- purpose of filtering sediments and other pollutants from stormwater runoff.
2. Constructed wetlands are wetlands that are created where no wetland characteristics existed previously.
  3. In areas not included on the city's acknowledged Goal 5 inventory, structures for the control of water are not considered impervious surfaces for the purposes of this section.
- (d) Construction of access roads for maintenance of channels, wetlands and other natural resource areas. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (6), (8), (9), and (14).
  - (e) Bikeways and other paved pathways. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (5), (6), (8), (9), and (14) through (17).
- (4) Uses and Practices Prohibited.** Uses and practices that are not specifically allowed under EC 9.2520 Natural Resource Zone Land Use and Permit Requirements subsections (1), (2), or (3) and that would adversely affect water quality or damage wildlife habitat, are prohibited within the NR zone, including, but not limited to, the following:
- (a) Storage of chemical herbicides, pesticides or fertilizers or other hazardous or toxic materials.
  - (b) Depositing or dumping any material imported from off-site, except for soils or soil amendments used for replanting in accordance with provisions of the NR zone.
  - (c) Construction of new septic drainfields.
  - (d) Channelizing or straightening natural drainageways.
  - (e) Off-road operation of vehicles, except for those employed in site restoration or site maintenance practices during the dry season and bicycles when used on designated trails.
  - (f) Removal or destruction of rare, threatened or endangered plant species unless a recovery plan is submitted by the applicant and approved by the planning director, following review by the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.
  - (g) Filling, grading, excavating, deposition of soils imported from off-site, and application of chemical herbicides, pesticides and fertilizers are prohibited unless they:
    1. Are directly related to a use permitted in this zone,
    2. Address an imminent threat to public health and safety, or
    3. Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

*(Section 9.2520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2530 Natural Resource Zone Development Standards.** In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section shall apply to development in the NR zone, as specifically provided in EC 9.2520 Natural Resource Zone Land Use and Permit Requirements. In cases of conflict, the standards specifically applicable in the NR zone shall apply.

**(1) Buffer Enhancements:**

- (a) Plantings shall be conducted on reduced buffers in conformance with the vegetation removal and planting and replanting standards set forth below and the following:
  - 1. Reduced buffer areas shall be planted only with native trees, shrub and grass or other non-woody species appropriate to increase to the greatest extent practicable the capacity of the area to filter pollutants from stormwater that flows across the buffer area. Where existing native vegetation already serves this function, new plantings shall augment those already existing, unless the applicant can clearly demonstrate to the planning director or decision-maker that additional plantings will not improve the filtering capacity of the buffer area.
  - 2. Plantings shall consist of species native to the southern Willamette Valley from a native plant list approved by the city manager that are appropriate to the site given its topography, hydrology, soil, existing native vegetation and historic native vegetation.
  - 3. Plantings shall not adversely affect adjacent protected wetlands through invasion or other effects.
- (b) All refuse, toxic materials and any fill that detracts from the function of the buffer shall be removed.
- (c) Where practicable, finished grades shall encourage sheet flow of stormwater runoff across buffer areas to maximize filtering and infiltration of stormwater runoff within buffer areas.
- (d) On sites where the slope within the wetland buffer area exceeds 15 percent, measures (e.g., planting and contouring) shall be taken to slow the flow of stormwater runoff to the maximum extent practicable.
- (e) Non-native plants shall be removed to the maximum extent practicable and replaced with native species.
- (f) Buffer enhancement work shall be completed prior to or concurrent with other site development, unless appropriate native species are not available within that time frame.

**(2) Vegetation Removal:**

- (a) Vegetation removal is limited to removal of:
  - 1. Non-native and invasive plant species included on a list approved by the planning director and kept on file at the city;
  - 2. Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the planning director or decision-maker. Removal shall only be authorized after all other reasonable alternatives have been examined and proven impractical, and the removal is the minimum necessary to meet the objectives of the proposed use;
  - 3. Dead or dried native plants or grasses only when they constitute an imminent fire hazard, as determined by the fire marshal;
  - 4. Native vegetation to facilitate or encourage the growth of other native species as called for in adopted plans or policies.
- (b) For areas not included on the city's acknowledged Goal 5 inventory, removal of vegetation shall be the minimum necessary for the proposed use and shall avoid removal of native vegetation to the extent

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- practicable. For areas included on the city's acknowledged Goal 5 inventory, removal of vegetation shall be the minimum area of native vegetation necessary for approved uses or conditional uses or uses allowed by an exception as specified in sections 9.4760 and 9.4850.
- (c) Clearing of more than 0.1 contiguous acre of vegetation on slopes greater than 5 percent must be either:
    - 1. Conducted between April 15 and October 15 of the same year, or
    - 2. Preceded by approval of an erosion and sedimentation control plan by the planning director, which must be implemented throughout the clearing process.
  - (d) Clearing of vegetation that is not in preparation for development must be followed by replanting in accordance with the requirements of this section.
  - (e) Removal or destruction of rare, threatened or endangered plant species is restricted (see prohibited practices provisions of the NR zone, /WB Wetland Buffer overlay zone and /WP Waterside Protection overlay zone.)
  - (f) For areas not included on the city's acknowledged Goal 5 inventory, the provisions of EC 6.815 Obnoxious Vegetation - Definitions, Prohibitions, Abatement through EC 6.845 Obnoxious Vegetation - Enforcement and Discharge of Duties do not apply to the provisions of this section, with regard to the removal of vegetation and mowing.
- (3) Planting and Replanting:**
- (a) Replanting of areas cleared of existing vegetation must be completed within 90 days following the removal or clearing, unless otherwise approved by the planning director or decision-maker.
  - (b) Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the germination requirements of the seed require otherwise, in which case germination shall be accomplished at the earliest date practicable.
  - (c) Planting and replanting shall be done with native species from a list approved by the planning director and kept on file at the city.
- (4) Stormwater Drainage:**
- (a) Runoff from impervious areas on the site that accommodate motorized vehicle traffic or machinery may only be discharged into areas with the /WB or /WP overlay zone, or protected wetlands or waterways, which includes those designated for protection in a locally adopted plan, if runoff is treated to improve water quality prior to discharge by removing pollutants washed from impervious surfaces. Treatment may include infiltration devices, grassy swales, treatment ponds, or other methods. The type of treatment and degree of water quality improvement provided shall be approved by the city manager or decision-maker.
  - (b) Runoff from impervious areas used for repair, cleaning, refueling or servicing of vehicles or machinery may only be discharged into areas with the /WB or /WP overlay zone, or protected wetlands or waterways, which includes those designated for protection in a locally adopted plan, if runoff is treated on site to remove oil, grease and other environmentally hazardous chemicals to the maximum extent practicable prior to discharge. The type of treatment and degree of water quality improvement shall be approved by the city manager or

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- decision-maker.
- (c) To the maximum extent practicable, new development shall utilize measures to limit post-construction runoff rate, timing and volume for 2, 5, and 10 year storm events to pre-development levels for discharges into areas with the /WB or /WP overlay zone, or protected wetlands or waterways, which includes those designated for protection in a locally adopted plan. These measures may include on-site detention or retention ponds, infiltration areas or other measures approved by the city manager or decision-maker.
  - (d) Porous paving treatments or other infiltration devices approved by the planning director or decision-maker shall be used where practicable. As used herein, the term "porous paving" refers to recognized systems utilizing paving blocks (e.g., "grasscrete"). For the purposes of this provision, gravel surfaces are not acceptable.
- (5) Impervious Surfaces:**
- (a) Impervious surfaces are prohibited unless they are part of a permitted use or approved conditional use.
  - (b) Impervious surfaces that are part of a permitted use or approved conditional use shall be no larger than the minimum necessary for the proposed use and shall be located as far from wetlands and water features as practicable.
- (6) Construction Practices:**
- (a) Within the NR zone and areas with the /WB overlay zone, construction or other use of heavy machinery is prohibited or restricted as described in this subsection. Use of heavy machinery is prohibited:
    - 1. Between February 20 and June 30 of the same year within 300 feet of any significant waterfowl nesting areas identified in adopted plans or policies or by the Oregon Department of Fish and Wildlife.
    - 2. Between May 1 and August 30 of the same year within 300 feet of any significant shorebird and wading bird nesting areas identified in adopted plans or policies or by the Oregon Department of Fish and Wildlife.For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, compacting soil, moving earth or causing excessive noise or heavy vibrations through its use.
  - (b) Stockpiles or storage of wood or building materials or machinery are prohibited within wetland boundaries, areas with the /WB and /WP overlay zones.
  - (c) Petroleum products, chemicals, sediment, eroded soil or other deleterious materials used in the construction process shall not be allowed to enter the water or wetland during construction.
  - (d) Use of heavy equipment or machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where its use is necessary.
- (7) Landform Character.** Grading and excavating conducted as part of restoration or enhancement projects, and bank and channel reconfiguration shall result in topography that resembles the natural undulations, meanders

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and slopes found in landscapes shaped only by natural processes. For purposes of this standard, straight lines and geometric or angular shapes are not acceptable. Channel and stream bank slopes shall not exceed 25 percent.

- (8) **Filling, Grading and Excavating.** These activities shall occur between April 15 and October 15 of the same year, unless the planning director or decision-maker authorizes an exception based on dry weather conditions or overriding public need. Exceptions granted due to overriding public need shall require approval of an erosion and sedimentation control plan by the city manager prior to commencement of earth moving activities, and this plan must be implemented throughout the activity.
- (9) **Disposal Sites.** Waste materials, brush and spoils from clean-up operations or excavation shall be placed outside wetland boundaries, areas with the /WB overlay zone and other natural areas designated for protection in an adopted plan or policy.
- (10) **Structure Color:**

  - (a) Within the NR zone and within areas with the /WB overlay zone, all finished structures shall be in natural earth tone colors, unless otherwise required by local, state or federal law or regulation.
  - (b) Within areas with the /WP overlay zone, all finished structures or building facades that face a class A or B stream or pond shall be in natural earth tone colors, unless otherwise required by local, state or federal law or regulation.
- (11) **Boardwalks, Viewing Platforms, Interpretive Information Kiosks, Trail and Interpretive Signs.** These structures shall be constructed in a manner that involves the least removal of native vegetation practicable. Signs shall be no more than 5 feet tall, and 16 square feet per face in surface area, except for signs intended to be read from moving automobiles, such as site entrance signs, which shall be no more than 8 feet tall and 32 square feet per face in surface area. Kiosks shall be no more than 8 feet tall and 16 square feet per face in surface area.
- (12) **Trails.** Trails shall be constructed of gravel, wood chips or soil, unless otherwise approved by the city manager or decision-maker. Trail construction shall involve the least removal of native vegetation practicable for the area and the minimum amount of fill or excavation practicable.
- (13) **Building Height.** Building height is limited to 30 feet or the height limit of the base zone, whichever is less. If there is no specified height limit in the base zone, building height is limited to 30 feet.
- (14) **Stream and Channel Crossings.** Bridges or other structures that cross water features shall be constructed so that water flow, vegetation growth and movement of aquatic animals and water dependent wildlife are impeded to the least extent practicable. To meet this standard, bridges and crossings shall include, but are not limited to, applicable items from the following list:

  - (a) Crossings shall utilize bridges or natural substrate culverts where possible.
  - (b) Culverts shall not substantially increase or decrease water depth or flow rate conditions.
  - (c) Bridges and culverts shall be constructed so that there is at least 3 feet of clearance between the ordinary high water mark and the underside of the bridge or culvert.

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- (d) The lower lip of any culvert shall meet the stream or channel bed at grade.
- (e) Culverts shall be the minimum length practicable.
- (15) **Lighting.** Area lighting shall be aimed away from resource areas where possible, and otherwise must be aimed such that light shining on natural resource areas is minimized to the maximum extent practicable. Area lighting is outdoor lighting designed to illuminate an activity area, trail or bicycle path, and shall also comply with EC 9.4830.
- (16) **Public Access.** Access for the general public shall be consistent with adopted policies or plans that address public access on specific sites.
- (17) **Location of Structures.** To the maximum extent practicable, new buildings, roads and other new impervious surfaces associated with interpretive centers or wetland maintenance facilities shall be located outside boundaries of wetlands identified for protection in adopted plans and policies.
- (18) **Mitigation Site Buffers.** When low value wetland sites within the NR zone are restored or enhanced for mitigation credit, a 25 foot buffer shall be maintained around the perimeter of the mitigation area, but within the jurisdictional wetland boundary. All provisions for permitted uses, conditionally permitted uses, prohibited practices and applicable special standards that apply to /WB wetland buffer, as specified in EC 9.4800 through EC 9.4860 shall apply to mitigation site buffers.
- (19) **Site Layout.** High activity areas, including traffic lanes, loading docks, and group gathering areas shall be located as far away from wetlands, water features and other protected natural areas as is practicable.
- (20) **Noise.** For inventoried sites that received a Wildlife Habitat Rating of greater than 60 in the Metropolitan Natural Resources Inventory (Lev, 1990) and sites designated as high value wetlands in the wetland buffer provisions of this code, noise generated by uses within the NR zone and the wetland buffer overlay zone (as measured at the wetland boundary) and within the waterside protection overlay zone (as measured at the top of the high bank) shall not exceed the following standards:
  - (a) Maximum sound emissions shall not exceed equivalent sound pressure levels in decibels, A-Weighted Scale, for any one hour as stipulated in subsection (b) of this section. Equivalent sound pressure level (Leq) is a measure of the sound level for any one hour. It is the energy average of all the various sounds emitted from the source during the hour. A-Weighted Scale is used to adjust sound measurements to simulate the sensitivity of the human ear.
  - (b) Maximum one-hour equivalent sound pressure levels:

A-Weighted (dBa)

<u>Receiving Property Residential Broad Zone Category</u>	
<u>Time of Day</u>	<u>Level</u>
7 am - 10 pm	57
10 pm - 7 am	50

- (c) Noises of short duration. For noises of short duration or impulsive character, such as hammering, maximum one-hour sound pressure levels permitted beyond the property of origin shall be seven decibels less than those listed in subsection (b).



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- (d) Noises of unusual periodic character. For noises of unusual periodic character, such as humming, screeching, and pure tones, the following median octave band sound pressure levels, as required by the Department of Environmental Quality, shall not be exceeded beyond the property of origin when the receiving property is in the NR zone:

Median Octave Band Sound Pressure Levels

Octave Band Center

<u>Frequency, Hz</u>	<u>7am-10pm</u>	<u>10pm-7am</u>
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1,000	49	43
2,000	46	40
4,000	43	37
8,000	40	34

- (e) Exemptions. Local noise standards set forth in this section do not apply to the following situations:
1. Emergency equipment operated on an irregular or unscheduled basis.
  2. Warning devices operated continuously for no more than 5 minutes.
  3. Railroad equipment when subject to federal or state regulations.
  4. Bells, chimes, or carillons.
  5. Non-electronically amplified sounds at sporting, amusement, and entertainment events.
  6. Construction site sounds, except that they shall be confined to 7 a.m. through 7 p.m.
  7. Lawn and plant care machinery fitted with correctly functioning sound suppression equipment and operated between 7 a.m. and 9 p.m.
  8. Aircraft when subject to federal or state regulations.
  9. Agricultural equipment operated between 7 a.m. and 7 p.m.
- (f) Exceptions. Upon written application from the owner or operator of an employment and industrial or commercial noise source, the city manager or the manager's designee may authorize or conditionally authorize exceptions to local noise emission standards in the following situations:
1. Infrequent noise.
  2. Noise levels at or anywhere beyond the property lines of the property of origin when exceeded by an exempt noise, as listed in subsection (d) above, in the same location.
  3. Noise levels on property owned or controlled by the person generating the noise.
  4. If after applying reasonably available control technology, a use

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existing as of January 27, 1982, is unable to conform to the standards established by this section.

Exception applications shall be filed at the city's permit and information center on a form prescribed by the city manager, and shall be accompanied by a fee as established by the city manager pursuant to EC 2.020 City Manager - Authority to Set Fees and Charges.

*(Section 9.2530, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.2540** **Natural Resource Zone Lot Standards.** There are no minimum frontage or width requirements in the natural resource zone. There are no lot area requirements in the NR zone except when the zone is applied based on 9.2510(3).

*(Section 9.2540, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Park, Recreation, and Open Space Zone

**9.2600** **Purpose of PRO Park, Recreation, and Open Space Zone.** The Park, Recreation, and Open Space Zone (PRO) is intended to accomplish all of the following:

- (1) Implement the Metro Plan, Eugene Parks and Recreation Plan, and other applicable plans by providing areas that will conserve and preserve a variety of parks, recreation areas, and open spaces to maintain livability of the metropolitan area.
- (2) Provide a balance of active and passive recreation opportunities to meet neighborhood, community, and metropolitan needs.
- (3) Efficiently implement plans and improvements to parks and open areas with appropriate reviews where compatibility issues may arise.
- (4) Facilitate preservation of scenic and natural values and ecosystem management.

*(Section 9.2600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2610** **Park, Recreation and Open Space Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:

- (1) Rezoning the subject site implements park, recreation, open space, or natural resource preservation objectives and policies; or
- (2) The subject site is privately owned, at least 2 acres in size and meets the purpose of this zone and the definition for non-publicly owned open space in EC 9.2620 PRO Zone Terms.
- (3) The PRO zone shall not be applied to an area on the city's acknowledged Goal 5 inventory unless it is determined that any change in the level of protection afforded the resource by the PRO zone is consistent with the acknowledged level of protection for the resource.

*(Section 9.2610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2620** **PRO Zone Terms.** The determination of park classification shall be based on the Eugene Parks and Recreation Plan or by the city manager. As used with reference to this zone, unless the context requires otherwise, the following words and phrases mean:

**Neighborhood Park.** The basic unit of the park system, serving as the recreational and social focus of the neighborhood. Neighborhood parks primarily serve residents living within a ½ mile radius and off-street parking is not generally provided. Neighborhood parks are sometimes located adjacent to an elementary school.

**Community Park.** Larger in size than a neighborhood park and meeting recreational needs of more than one neighborhood, a community park serves as a destination that usually includes on site parking. Community parks are generally developed for active and passive recreation uses and may include recreation centers, swimming pools, sports fields, and other community-based facilities. Community parks are sometimes located adjacent to schools where site amenities can be shared.

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**Metropolitan Park.** A park that meets the recreational needs of the city as a whole, often including a variety of active and passive recreation opportunities as well as the preservation of natural landscapes, unique natural resources, special botanical display, and open space. Although metropolitan parks are usually large, they also can include small areas that are part of a larger metropolitan park network, as found along the Willamette River and the south hills ridge line parks. Metropolitan parks usually include on site parking.

**Non-Publicly Owned Open Space.** Open or natural areas above 2 acres in size, including golf courses, cemeteries, drainage corridors, and private recreation space that are not owned by the public and are designated as open space in the Metro Plan, a refinement plan, or a PUD.

*(Section 9.2620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2630 PRO Zone Land Use and Permit Requirements.** The following Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements identifies those uses in the PRO zone that are:

- (P) Permitted if use complies with special setbacks shown in Table 9.2640. If the use does not meet the special setbacks in Table 9.2640, the use may be approved through the conditional use permit process. Shall require zone verification.
- (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 and zone verification.
- (#) The numbers in ( ) in the table are uses that have special use limitations that are described in EC 9.2631.

Entertainment and recreational uses allowed in other zones are subject to the standards set out for those zones. Any examples reflected in Table 9.2630 are for informational purposes only and are not exclusive. Table 9.2630 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

<b>Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements</b>				
	<b>Neighborhood Park</b>	<b>Community Park</b>	<b>Metropolitan Park</b>	<b>Non-Publicly owned Open Space</b>
<b>Accessory Uses</b>				
Accessory Uses. <u>Examples</u> include maintenance activities and storage.	P	P	P	P
<b>Agricultural, Resource Production and Extraction</b>				
Community or Allotment Garden	P	P	P	P

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<b>Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements</b>				
	<b>Neighborhood Park</b>	<b>Community Park</b>	<b>Metropolitan Park</b>	<b>Non-Publicly owned Open Space</b>
<b>Education, Cultural, Social and Fraternal</b>				
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio		C(3)	C(3)	
Community and Neighborhood Center	C(3)	P	P	SR(2)
Community Theater, includes building		C(3)	C(3)	C(3)
Concession Stand, permanent structure	C(3)	P	P	C(3)
Golf Course, including driving range		SR(2)	SR(2)	SR(2)
Trail (paved and non paved)	P	P	P	P
Kiosk, Gazebo, Pergola, Arbor	P	P	P	P
Museum			SR(2)	
Library			SR(2)	
<b>Entertainment and Recreation</b>				
Amphitheater, Conservatory	C(3)	SR(2)	SR(2)	C(3)
Amplified Sound System (permanently installed)	C(3)	C(3)	C(3)	C(3)
Amusement Center (Arcade, pool tables, etc.)	C(3)	C(3)	C(3)	C(3)
Arena and Multiple Courts, indoors		C(3)	C(3)	C(3)
Arboretum, Outdoors	P	P	P	P
Arboretum, Indoors	C(3)	SR(2)	SR(2)	P
Athletic Area, outdoors, lighted (does not include skateboard facility)	C(3)	SR(2)	C(3)	C(3)
Athletic Areas, outdoors, unlighted	P	P	P	P
Boat Landing	C(3)	SR(2)	C(3)	
Natural Area or Environmental Restoration	P	P	P	P
Ornamental Fountain, Art Work	P	P	P	P
Park Furnishings: <u>Examples</u> include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage.	P	P	P	P
Picnic Shelter (for more than 40 people)	C(3)	P	P	C(3)
Restroom	SR(2)	P	P	SR(2)
Swimming Pool—indoor		SR(2)	SR(2)	C(3)
Swimming Pool—outdoor	C(3)	SR(2)	C(3)	C(3)
Wetland Mitigation Area	P	P	P	P
<b>Lodging</b>				
Camping, only when directly related to a special event		P(1)	P(1)	P(1)

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<b>Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements</b>				
	<b>Neighborhood Park</b>	<b>Community Park</b>	<b>Metropolitan Park</b>	<b>Non-Publicly owned Open Space</b>
<b>Motor Vehicle Related Uses</b>				
Parking Area shall be directly related to a primary use on the same development site		P	P	P
Transit, Neighborhood Improvement	P	P	P	P
Transit, Park and Ride, Minor	P	P	P	P
Transit Station, Minor	P	P	P	P
<b>Residential Category</b>				
One-Family Dwelling (1 per park)		P	P	
<b>Utilities and Communication</b>				
Broadcasting Studio, Commercial and Public Education		P	P	
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	
Telecommunication Facility (See EC 9.5750)	S	S	S	S
<b>Other Commercial Services</b>				
Temporary Activity (See EC 9.5800)	S	S	S	S

(Section 9.2630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)

**9.2631 Special Use Limitations for Table 9.2630.**

- (1) **Camping.** Camping is permitted in the PRO zone for a maximum of 9 continuous days and when directly tied to a special event being held in or very near the camping site. A special event permit from the city is required to ensure that the camping is managed in a safe manner with minimal impacts on surrounding property.
- (2) **Site Review.** Uses shall comply with the special setbacks in Table 9.2640. If the use does not meet the special setbacks in Table 9.2640, the use may be approved through the conditional use permit process.
- (3) **Conditional Use Permit Process.** Uses shall comply with applicable setbacks or be established with appropriate mitigation to ensure compatibility with surrounding properties.

(Section 9.2631, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.2640 PRO Zone Development Standards.**

- (1) **Application of Standards.** In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section shall

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apply to all development in the PRO zone. In cases of conflict, the standards specifically applicable in the PRO zone shall apply.

- (2) **Maximum Building Height.** The maximum building height is 30 feet for buildings within 80 feet of the property line.
- (3) **Minimum Front and Interior Yard Setbacks.** The setbacks in Table 9.2640 are applicable only from abutting residentially zoned parcels, including those immediately across from a public right-of-way or utility easement. For other abutting zones, setbacks shall be governed by the Uniform Building Code and applicable sections of this code. If an abutting residentially zoned property is developed adjacent to the park, (or has an approved plan to develop) with an improvement type listed in Table 9.2640 PRO Zone Special Setbacks, the setback standard for a park improvement shall be waived. The standard of this subsection is subject to adjustment pursuant to the provisions of EC 9.8030(2) Setback Standards Adjustment of this land use code.
- (4) **PRO Zone Special Setbacks.** The PRO zone special setbacks are reflected in the following Table 9.2640:

<b>Table 9.2640 PRO Zone Special Setbacks</b>		
<b>Improvement Type</b>	<b>From Street Right-of-Way</b>	<b>From Abutting Property Zoned Residential, including distances across local streets</b>
<b>Accessory Uses</b>		
Maintenance Buildings and Outdoor Storage/Operations, accessory	15 feet	50 feet (6 foot high site obscuring fence, wall or landscape buffer required if facility is within 150 feet of unfenced property.)
<b>Agricultural, Resource Production and Extraction</b>		
Community and Allotment Gardens	0 feet	10 feet
--Composting Areas	20 feet	100 feet
<b>Educational, Cultural, Social and Fraternal</b>		
Community and Neighborhood Centers	15 feet	30 feet (Note standards for picnic facilities and social gathering below, which may apply to community centers.)
Concession Stands, permanent structure	20 feet	100 feet
Kiosks, Gazebos, Pergolas, Arbors	15 feet	30 feet
<b>Entertainment and Recreation</b>		
Amphitheater, Conservatory	250 feet	500 feet
Arboretum, Outdoors	250 feet	500 feet
Arboretum, Indoors	250 feet	500 feet
Athletic Areas, outdoors, lighted	50 feet	200 feet
--Basketball Courts and Horseshoes	30 feet	200 feet
--BMX Bike Track Facility	50 feet	200 feet
--Small Court Games, Examples: shuffleboard and bocci (excluding horseshoes).	15 feet	50 feet
--Skateboard Facility	25 feet	200 feet
--Tennis Courts	20 feet	100 feet

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<b>Table 9.2640 PRO Zone Special Setbacks</b>		
<b>Improvement Type</b>	<b>From Street Right-of-Way</b>	<b>From Abutting Property Zoned Residential, including distances across <u>local streets</u></b>
--Volleyball Court	30 feet, with ball stopping fence if within 60 feet of R/W	200 feet
Athletic Areas, outdoors , unlighted	50 feet	80 feet (A 4 foot (min.) high ball stopping fence is required within 125 feet of inbounds play along adjacent property.)
--Basketball Courts and Horseshoes	30 feet	60 feet
--BMX Bike Track Facility	15 feet	65 feet
--Skateboard Facility	15 feet	200 feet
--Small Court Games, <u>Examples</u> : shuffleboard and bocci (excluding horseshoes).	15 feet	50 feet
--Soccer Court	50 feet	100 feet behind goal, 50 feet along sides of field
--Tennis Court	20 feet	50 feet
--Volleyball Court	30 feet, with ball stopping fence if within 60 feet of R/W	100 feet
Boat Landing	100 feet	100 feet
Natural Areas or Environmental Restoration	0 feet	0 feet
Ornamental Fountain and Art Work	0 feet	30 feet
Picnic Shelter (for groups over 40 people)	30 feet	100 feet
Park Furnishings: <u>Examples</u> include: picnic tables, benches, bicycle racks, and interpretive signage.	10 feet	30 feet
--Playground Apparatus	20 feet	60 feet
Restroom	15 feet	50 feet
Swimming Pool—indoor	15 feet	30 feet (Note standards for picnic facilities and social gathering.)
Swimming Pool—outdoor	15 feet	250 feet (From pool enclosure.)
Trails, (paved and non-paved)	0 feet	20 feet
--Sidewalks, bike paths	0 feet	15 feet (Except in narrow areas that are designed as pedestrian corridors.)
Wetland Mitigation Areas	0 feet	0 feet
<b>Motor Vehicle Related Uses</b>		
Parking Areas shall be directly related to a primary use on the same development site		
--Complies with EC 9.6420(3)(c) Parking Area Landscaping Along Street and Driveway Entrances	7 feet	N/A



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<b>Table 9.2640 PRO Zone Special Setbacks</b>		
<b>Improvement Type</b>	<b>From Street Right-of-Way</b>	<b>From Abutting Property Zoned Residential, including distances across local streets</b>
--Complies with EC 9.6420(3)(d) Perimeter Parking Area Landscaping	N/A	40 feet

*(Section 9.2640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2650**     **PRO Zone Lot Standards.** For publicly-owned land zoned PRO, there are no minimum lot area or dimension requirements. For non-publicly owned open space, the minimum width of such areas shall be 100 feet unless the area provides for a trail system or preservation of a natural drainage way. Widths less than 100 feet are generally not permitted and are considered a break in continuity of the open space area. The minimum lot area for non-publicly owned open space is 87,120 square feet (2 acres).

*(Section 9.2650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Public Land Zone

**9.2680 Purpose of Public Land Zone.** The public land zone is intended for public and semi-public uses that are designed to implement the Metro Plan by providing areas for government services and education. Government services include the full spectrum of activities conducted by public agencies, including parks and open space. As used in EC 9.2680 through 9.2687, “public agency” includes public/private partnerships that conduct the activities authorized in those sections. *(Section 9.2680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2681 Public Land Zone Applicability and Siting Requirements.**

- (1) **Applicability.** The provisions of 9.2680 through 9.2687 are applicable only to areas zoned PL which are not included on the city’s acknowledged Goal 5 inventory. For areas zoned PL which are included on the city’s acknowledged Goal 5 inventory, sections 9.400 through 9.404 of the city’s land use code in effect on July 31, 2001, including references therein, shall apply.
- (2) **Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the subject site must be land owned solely by a public agency or a non-profit organization established primarily to provide public uses listed in EC 9.2682(1). When public land is sold for private development, the property shall be rezoned according to the procedures for zone changes beginning with and following section 9.8850 Purpose of Zone Changes.

*(Section 9.2681, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2682 Public Land Zone Land Use and Permit Requirements.**

- (1) **Permitted Public or Semi-Public Uses.** The following uses are permitted in the PL public land zone:
  - (a) Accessory Uses, excluding those uses subject to the provisions of EC 9.2683 Special Use Limitations. Examples include caretaker dwellings; service stations for government vehicles; building maintenance services for government facilities; storage, utility and printing for government services; and small scale commercial services to primarily serve users of the public facility.
  - (b) Public Uses, operated by the public agency that owns the development site, except for the intensification of uses that require a site review or conditional use permit according to EC 9.2683 Special Use Limitations. Examples include government offices, libraries, park and recreation facilities, neighborhood and community centers, post offices, fire stations, pump stations, electrical substations, school district offices, schools, reservoirs, and specialized housing. (Refer to EC 9.2683 Special Use Limitations.)
  - (c) Urban Animal Keeping, including pastureland, subject to the Urban Animal Keeping Standards in EC 9.5250.
  - (d) The following uses not operated by the public agency that owns the property when the owner declares that the property is not currently needed for public uses:
    1. Athletic Field, outdoor.
    2. Ballet, Dance, Martial Arts, and Gymnastic Schools/Academies/Studios.

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3. Community and Allotment Gardens.
  4. Community and Neighborhood Centers.
  5. Day Care Facilities.
  6. Meal Services, non-profit.
  7. Parks and Playgrounds.
  8. Schools, Elementary through Middle School.
  9. Combinations of the above uses.
- (2) **Uses Requiring a Conditional Use Permit.** The following uses not operated by the public agency that owns the property are permitted conditionally when all or part of the property is declared by the owner to not be needed:
- (a) Administrative, General, and Professional Offices.
  - (b) Artist Galleries/Studios.
  - (c) Assisted Care.
  - (d) Broadcasting Studios, Commercial and Public Education.
  - (e) Retail Sales and Personal Services that are permitted in C-1 Neighborhood Commercial. Individual businesses are limited to 5,000 square feet, and there shall be a demonstrated demand within one-half mile for the retail or personal service, and a determination that it is not likely the use can otherwise locate within that service area.
  - (f) Campus Living Organizations, including Fraternities and Sororities.
  - (g) Churches, Synagogues, and Temples, including associated residential structures for religious personnel.
  - (h) Horticultural Uses, including plant nurseries.
  - (i) Hospitals, Clinics, or other Medical Health Facilities (including mental health) 10,000 square feet or less of floor area.
  - (j) Information Technology Services, including:
    1. Computer Networking.
    2. E-commerce (excludes on-site shipping via truck).
    3. Healthcare Informatics.
    4. Internet and Web Site Services.
    5. Software Development.
  - (k) Manufacturing, Assembly, and Related Storage of the following within completely enclosed buildings:
    1. Electronic and Communication Components, Systems, Equipment, and Supplies, includes computers and semiconductors.
    2. Precision Testing, Medical, and Optical Goods.
  - (l) Parking Areas and Structured Parking.
  - (m) Recycling, Small Collection Facility (see EC 9.5650).
  - (n) Schools, Business or Specialized Educational Training (excluding driving instruction).
  - (o) Schools, High School.
  - (p) Scientific and Educational Research Centers, provided there shall be no radioactive materials, toxic, or noxious matter associated with the use or process unless it is entirely surrounded by employment and industrial zoning.
  - (q) Storage Facilities, Household/Consumer Goods, enclosed.
  - (r) Universities and Colleges.
  - (s) University and College Dormitories.
  - (t) Combinations of the above listed uses, with or without uses listed in EC

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### 9.2682(1).

All uses are subject to the regulations and procedures for conditional use permits in EC 9.8075 Purpose of Conditional Use Permits through EC 9.8107 Conditional Use Permit, Modification Approval Criteria. The hearings official may approve a conditional use on surplus public property for up to 10 years, and for additional 10 year periods if the responsible public agency continues to declare the property is not needed.

*(Section 9.2682, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; and amending a code section reference pursuant to Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010; amended by Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### 9.2683 Special Use Limitations.

- (1) **Camping.** Camping is permitted in the PL public land zone for a maximum of 9 continuous days and when directly tied to a special event being held on or very near the camping site, provided a special event permit approving the camping has been issued by the city to ensure that camping is managed in a safe manner with minimal impact on surrounding properties.
- (2) **Permitted Uses Subject to Site Review.** When a proposed public use, other than those listed in subsection (3) of this section, is to be located within 300 feet of land in the broad zone category of residential, and such use will generate the need for a Traffic Impact Analysis according to EC 9.8670 Applicability, such use shall be subject to an approved site review application or an approved final planned unit development application.
- (3) **Permitted Uses Subject to Conditional Use Permit.** When one of the following public use is proposed to be located within 300 feet of land in the broad zone category of Residential, it shall be subject to a conditional use permit according to the Type III procedures:
  - (a) Mineral Resources Mining.
  - (b) Entertainment and Recreation Uses required to obtain a Conditional Use Permit in community parks according to Table 9.2630 Park, Recreation, and Open Space Zone Uses and Permit Requirements.
  - (c) Homeless Shelters.
  - (d) Recycling- large collection facilities.
  - (e) Recycling- scrap and dismantling yards.
  - (f) Blood Banks.
  - (g) Correctional Facilities.
  - (h) Plasma Centers.
  - (i) Structured Parking.
  - (j) Cemeteries, includes crematoria, columbaria, and mausoleums.
  - (k) Civic, Social and Fraternal Associations.
  - (l) Outdoor Storage or Stockpiling of Materials.
  - (m) Heliports and Helistops.
  - (n) Veterinarian Services (includes pound).
  - (o) Race Tracks, including drag strips and go-cart tracks.
  - (p) Broadcasting Studios, including commercial and public education.
  - (q) Sewage Treatment Plants.
- (4) The physical area of the development site to be evaluated during the site

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review or conditional use permit process, when required according to the above subsections, shall be based on the portion of the development site specifically occupied by the proposed use and the surrounding 100 feet.

*(Section 9.2683, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)*

### **9.2684 Public Land Zone Development Standards.**

- (1) Application of Standards.** In addition to applicable provisions contained elsewhere in this code, the development standards listed in Table 9.2684 and subsections (2) and (3) of this section shall apply to all development in the PL public land zone. In cases of conflict, the standards specifically applicable in the PL zone shall apply.
- (2)** For uses permitted under EC 9.2682(1)(c), the following additional standards apply:
  - (a) Traffic and parking impacts and the capacity of adjacent streets shall be considered in the design and location of internal circulation and parking areas, including entrances and exits.
  - (b) If possible, school playgrounds shall be retained for public recreational use.
  - (c) The process used by the public agency that owns the property to determine whether a particular use shall be permitted on property not currently needed shall assure that neighborhood residents and property owners in the area have the opportunity to review and comment on the new proposed use.
  - (d) At least once every 10 years, the public agency that owns the property shall review its current needs. If the property is needed, it shall be returned to public use.
- (3)** For uses permitted under EC 9.2682(2), the following standards apply:
  - (a) If possible, school playgrounds shall be retained for public use.

<b>Table 9.2684 Public Land Zone Development Standards (See 9.2685 Special Development Standards for Table 9.2684.)</b>	
	<b>PL</b>
Maximum Building Height (1)	
Main Building	None
Accessory	None
Minimum Front Yard Setback (2)	10 feet
Minimum Interior Yard Setbacks (2)	10 feet
Minimum Landscape Area (3)	None

*(Section 9.2684, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.2685 Special Development Standards for Table 9.2684.**

- (1)** The building height for the portion of the building that is located within 50 feet of the boundary of an abutting residential zone is limited to the height allowed in the abutting residential zone.
- (2)** Front and interior yard minimum setbacks may be adjusted pursuant to the provisions of EC 9.8030(2) Setback Standards Adjustment.

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- (3) There is no minimum required landscape area except as required to meet landscape standards for parking lots in EC 9.6420 Parking Area Standards.

(Section 9.2685, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)

**9.2686 Public Land Zone Lot Standards.** The following Table 9.2686 sets forth lot standards in the PL public land zone. The numbers in ( ) indicate special development standards contained in EC 9.2687.

<b>Table 9.2686 Public Land Zone Lot Standards</b> <b>(See 9.2687 Special Development Standards for Table 9.2686.)</b>	
	<b>PL</b>
<b>Area Minimum (1)</b>	
All Lots	6,000 square feet
<b>Frontage Minimum (1)</b>	
Interior Lot	50 feet
Corner Lot	50 feet
Curved Lot	35 feet
Cul-de-sac Bulb	35 feet
Flag Lot (2)	
1 Lot	15 feet
2 to 4 Lots	25 feet
<b>Width Minimum (1)</b>	
Interior Lot	50 feet
Corner Lot	50 feet
Curved Lot	35 feet
Cul-de-sac Bulb	35 feet
Flag Lot (2)	40 feet

(Section 9.2686, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)

**9.2687 Special Standards for Table 9.2686.**

- (1) Lot area, frontage, and width minimums may be adjusted pursuant to the provisions of EC 9.9030(1) of this land use code. Modifications may be approved through a planned unit development. (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) Minimum lot area includes both the pole portion and flag portion of the lot.

(Section 9.2687, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## 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 Metro Plan by providing areas for low-density residential use. The R-1 zone is designed for one-family dwellings with some allowance for other types of dwellings, 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.)*
- 9.2705** **Purpose of R-1.5 Rowhouse Zone.** The purpose of the R-1.5 Rowhouse zone is to implement the Metro 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.)*
- 9.2710** **Purpose of R-2 Medium-Density Residential Zone.** The purpose of the R-2 Medium-Density Residential zone is to implement the Metro Plan by providing areas for medium-density residential use and encourage a variety of dwelling types. The R-2 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 medium-density residential area.  
*(Section 9.2710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 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 Metro Plan by providing areas for limited high-density residential use that encourage attached one-family dwelling units and multiple-family dwelling 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.)*
- 9.2730** **Purpose of R-4 High-Density Residential Zone.** The R-4 High-Density Residential zone is designed to implement the Metro Plan by providing areas for high-density residential use and is intended to provide an opportunity for a dense living environment. The R-4 zone must ensure that public facilities and services will be provided in a timely manner to adequately serve the projected demand. The R-4 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 high-density residential area.  
*(Section 9.2730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 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

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any other property zoned R-1.5. Zone changes to R-1.5 are prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

(Section 9.2735, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Section 9.2735 amended by Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014)

**9.2737 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.

(Section 9.2737 added by Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014.)

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

- (P) Permitted.
- (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 the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in ( ) in the table are uses that have special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740.

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

<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Accessory Uses</b>					
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 constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P	P	P	P	P
<b>Agricultural, Resource Production and Extraction</b>					
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



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<b>Table 9.2740 Residential Zone Land Uses and Permit Requirements</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Horticultural Use. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.	P				
<b>Education, Cultural, Religious, Social and Fraternal</b>					
Church, Synagogue, and Temple, including associated residential structures for religious personnel. (All religious uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)	C		C	C	C
Club and Lodge of State or National Organization (These uses shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this code or granted a modification through an approved conditional use permit.)					C
Community and Neighborhood Center	C		C	C	P
School, Elementary through High School	C		C	SR	SR
University or College	C		C	SR	SR
<b>Entertainment and Recreation</b>					
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, <u>Examples</u> include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage Restroom Wetland Mitigation Area	S(9)		S(9)	S(9)	S(9)
Theater, Live Entertainment (See also Table 9.1240)	C				
<b>Government</b>					
Government Services, not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include: a fire station.	P		P	P	P
<b>Lodging</b>					
Bed and Breakfast Facility (See EC 9.5100)	C		C	S	S
<b>Manufacturing</b>					
Recycling, small collection facility (See EC 9.5650)	S		S	S	S

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<b>Medical, Health and Correctional Services</b>					
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
<b>Motor Vehicle Related Uses</b>					
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
Transit Station, Minor			SR	P	P
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings, including secondary dwellings, shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					
One-Family Dwelling (1 Per Lot in R-1)	P		P	P	P
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P(2)				
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(3)	P(3)	P	P	P
Duplex (Two-Family Attached on Same Lot)	P(4)		P	P	P
Tri-plex (Three-Family Attached on Same Lot) See EC 9.5500	S(5)		S	S	S
Four-plex (Four-Family Attached on Same Lot) See EC 9.5500	S(6)		S	S	S
Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500	PUD		S	S	S
Manufactured Home Park. Shall comply with EC 9.5400 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 standards in EC 9.5500 or be approved as a PUD.)	S or PUD see Map 9.274 0		S or PUD see Map 9.274 0	S or PUD see Map 9.274 0	
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>					

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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 (3 to 12 people served) (See EC 9.5200)	S		S	S	S
Day Care (13 or more people served)	C		C	C	C
<b>Rooms for Rent Situations</b>					
Boarding and Rooming House				C	P
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
<b>Utilities and Communication</b>					
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 Type II procedure that shows low visual impact.	P		P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S		S	S	S
Water Reservoir, elevated above ground level	SR		SR	SR	SR
<b>Other Commercial Services</b>					

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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 (7)		PUD (7) or C(8)	PUD (7) or C(8)	PUD (7) or C(8)
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				

*(Section 9.2740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20285 enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

**9.2741 Special Use Limitations for Table 9.2740.**

- (1) Hospitals, Clinics or Other Medical Facilities.** In the R-3 and R-4 zones, these uses are subject to the following special regulations:
- (a) Hospitals, clinics, or other medical facilities are prohibited in the residentially zoned area beginning on East 13th Avenue and Willamette Street, then south on Willamette Street to East 19th Avenue, then east on East 19th Avenue to Patterson Street, then north on Patterson Street to East 18th Avenue, then east on East 18th Avenue to Hilyard Street, then north on Hilyard Street to East 13th Avenue, then west on East 13th Avenue to Willamette Street. (See West University Plan.)
  - (b) Hospitals, clinics, or other medical facilities in existence on April 14, 1982 within the residentially zoned area beginning at East 13th Avenue and Hilyard Street, then south on Hilyard Street to East 18th Avenue, then east on East 18th Avenue to Kincaid Street, then north on Kincaid Street to East 13th Avenue, then west on East 13th Avenue to Hilyard Street shall be allowed to remain subject to an existing approved conditional use permit. Expansion of any existing facility within this area is limited to the area under development control by the existing facility as of December 1, 1981. (See West University Plan.)
  - (c) Hospitals, clinics, or other medical facilities in that portion of the West University Neighborhood designated as East 12<sup>th</sup> High Density Residential and Clinic Area, shall be permitted, subject to an approved conditional use permit. Expansion of medical facilities in existence on August 1, 2001 shall be allowed on land used for such purpose as of August 1, 2001 without the requirement to comply with the residential density requirements. The proposed conversion of land in residential use for the expansion of existing medical facilities or the establishment of new medical facilities shall be subject to the residential density requirements of Table 9.2750. (See West University Plan.)
  - (d) Clinics and other medical facilities shall be permitted in that portion of the Coburg/Crescent area designated for high-density residential use, subject to an approved planned unit development.

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- (e) Hospitals, clinics and other medical facilities are prohibited in that portion of the westside neighborhood designated as the central residential area. (See Westside Neighborhood Plan.)
  - (f) In the areas described in (b) and (d) above, hospitals, clinics, or other medical facilities are permitted subject to an approved conditional use permit, and are not required to comply with the residential density requirements of Table 9.2750.
- (2) **Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards beginning at EC 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.
- (7) **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.
- (8) **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

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granted an adjustment through the conditional use permit process except as follows:

- (a) Neighborhood Commercial uses being approved through the conditional use permit process shall be located on arterial streets.
  - (b) In R-2, EC 9.2161(1) Small Business Incentives in C-1 shall not apply. Instead, each individual business shall be limited to a total of 2,500 square feet of floor area.
  - (c) Buildings within the maximum front yard setback shall be oriented toward the street.
  - (d) Maximum front yard setback shall be no greater than the predominant front yard original setback line in the immediate vicinity.
  - (e) No off-street parking shall be located between the front facade of any building and the primary adjacent street. This standard applies to new buildings and to completely rebuilt projects constructed after August 1, 2001.
  - (f) In new development, 60% of the site frontage abutting a street shall be occupied by a building within the maximum setback or by an enhanced pedestrian space. No more than 20% of the 60% may be an enhanced pedestrian space.
  - (g) Building Entrances:
    1. All building sides that face an adjacent public street shall feature at least one customer entrance.
    2. Building sides facing two public streets may feature one entrance at the corner.
    3. Each commercial tenant of the building, unless an accessory to the primary tenant, shall be accessed through individual storefront entrances facing the street.
  - (h) Ground floor walls shall contain display windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows meeting the criteria of display windows shall have sills at 30 inches or less above grade.
- (9)** Permitted, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

*(Section 9.2741, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance 20302, enacted November 10, 2003, effective December 10, 2003; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

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

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

<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Density (1)</b>					
<b>Minimum Net Density per Acre</b>	No Minimum	--	10 units	20 units	20 units
<b>Maximum Net Density per Acre</b>	14 units	--	28 units	56 units	112 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>					
Main Building. Does not include main building on Alley Access Lot	30 feet	35 feet	35 feet	50 feet	120 feet
Main Building on Alley Access Lot	See (18)	--	--	--	--
Accessory Building.	See (16)	20 feet	25 feet	30 feet	30 feet
Secondary Dwelling	See (17)	--	--	--	--
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>					
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)	--	--	--	--
Interior Yard Setback for Secondary Dwellings	See (17)	--	--	--	--
Interior Yard Setback for Alley Access Lots in R-1	See (18)	--	--	--	--
Area-Specific Interior Yard Setback	--	--	--	See (8)	See (8)
<b>Maximum Lot Coverage (18)</b>					
All Lots, except where specifically addressed below	50% of Lot	--	50% of Lot	--	--
Lots with Secondary Dwellings (Area-Specific)	See (17)(c)	--	--	--	--
Alley Access Lots in R-1	See (18)	--	--	--	--

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<b>Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Rowhouse Lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>					
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site	20% of dev. site
<b>Fences (14)</b>					
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet	6 feet
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches	42 inches
Deer Fencing	See EC 9.2751(14)(c)	--	--	--	--
<b>Driveways and Parking Areas (15)</b>					
General Standards	--	--	--	See (15)(b)	See (15)(b)
Area-Specific	See (15)(a)	--	--	--	--
<b>Accessory Buildings in R-1 (16)</b>					
General Standards	See (16)(a)	--	--	--	--
Area-Specific	See (16)(b)	--	--	--	--
<b>Secondary Dwellings (17)</b>					
General Standards	See (17)(a) and (b)	--	--	--	--
Area-Specific	See (17)(c)	--	--	--	--
<b>Alley Access Lots (18)</b>					
General Standards	See (18)(a)	--	--	--	--
Area-Specific	See (18)(b)	--	--	--	--
<b>Maximum Bedroom Count (19)</b>					
Area-Specific	See (19)	--	--	--	--

*(Section 9.2750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; and Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; and administratively corrected May 25, 2004; amended by Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; Ordinance No. 20533, enacted June 23, 2014, effective July 25, 2014; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*



**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 attached secondary dwellings in R-1 or to residentially zoned lots or development sites that are developed and are 13,500 square feet or less in size. (Refer to Table 9.2750 Residential Zone Development Standards for the required net area per dwelling unit.)
- (b) For purposes of this section, "net density" is the number of dwelling units per acre of land in actual residential use and reserved for the exclusive use of the residents in the development, such as common open space or recreation facilities.
- (c) For purposes of calculating net density:
  - 1. The acreage of land considered part of the residential use shall exclude public and private streets and alleys, public parks, and other public facilities.
  - 2. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number.
  - 3. In calculating the maximum net density allowed for a specific lot or development site the planning director shall round up to the next whole number only for:
    - a. A lot or development site that is 13,500 square feet or more in area;
    - b. A lot or development site that is not abutting the boundary of, or directly across an alley from land zoned R-1; and
    - c. Fractions of .75 or above.In all other circumstances, the planning director shall round down to the previous whole number.
  - 4. At the request of the developer, the acreage described in 1., above, also may exclude natural or historic resources. For purposes of this section, natural resources include those designated for protection in an adopted plan and the area within natural resources protection or conservation setbacks that have been applied to the development site. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as "primary" or "secondary." It may also include additional natural or historic resources upon approval of the planning director.
- (d) Legally established buildings and uses conforming to the residential net density requirements in the R-2, R-3 and R-4 zones on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the R-2, R-3, and R-4 zones on which residential buildings and uses existed, or in which a development permit or land use application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards of this section.

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- (e) Provided the number of dwelling units are not reduced below the number present at the time of historic landmark designation, changes in the number of dwelling units within the historic property are exempt from the residential net density minimums.
- (2) Maximum building height, minimum building setbacks, and maximum building dimensions 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.)
- (3) **Building Height.**
  - (a) Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.
  - (b) For that area bound by Patterson Street to the west, Agate Street to the east, East 18<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south:
    - 1. In the R-3 zone between 19<sup>th</sup> and 20<sup>th</sup> Avenues, the maximum building height is 35 feet.
    - 2. In the R-4 zone west of Hilyard Street, the maximum building height is 65 feet.
    - 3. In the R-4 zone east of Hilyard Street, the maximum building height is:
      - a. 35 feet within the area south of 19<sup>th</sup> Avenue;
      - b. 50 feet within the half block abutting the north side of 19<sup>th</sup> Avenue;
      - c. 65 feet within the half block abutting the south side of 18<sup>th</sup> Avenue.
  - (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13<sup>th</sup> Alley to the north and East 18<sup>th</sup> Avenue to the south the maximum building height is 65 feet.  
**(See Figure 9.2751(3)).**
  - (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones, except that this additional building height allowance is not permitted in the R-1 zone for secondary dwellings, accessory buildings or development on alley access lots.
- (4) Solar standards may require a more restrictive height limitation and setback requirement, refer to EC 9.2795 Solar Setback Standards.
- (5) Exceptions to general height restrictions are contained in:
  - (a) EC 9.6715 Height Limitation Areas.
  - (b) EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.
- (6) Special setback provisions may also apply, see EC 9.6750 Special Setback Standards.
- (7) Except where buildings abut or share a common wall, the owner of a lot or parcel with an interior yard of less than 5 feet from the adjacent property line must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to that side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends, and require a 10-foot separation between

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buildings on separate lots. The easement shall be on a form provided by the city, shall be approved by city staff, and be subject to a review and payment of a fee set by the city manager.

- (8) **Area-Specific Interior Yard Setback.** For R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19<sup>th</sup> Avenue to the north and East 20<sup>th</sup> Avenue to the south and that are abutting or across an alley from R-1 zoned property:
- (a) The interior yard setback shall be a minimum of 10 feet from the property line abutting or across an alley from R-1 zoned property; and
  - (b) At a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting or across an alley from R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b). The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in (a) and (b) above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(8))**
- (9) Certain building features and uses may intrude into required setback, refer to EC 9.6745 Setbacks - Intrusions Permitted, and EC 9.6750 Special Setback Standards.
- (10) Except as provided in this subsection (10), no interior setback along the side property lines is required if the buildings abut or share a common wall that conforms to adopted state building codes. A 5 foot setback is required at the end of the rowhouse building, or a minimum of 10 feet between the rowhouse building and any adjacent building. A 5 foot setback is also required along an alley.
- (11) **Alley Access Lots/Parcels.** There are no front yard setbacks since there is no frontage on a street. (See EC 9.2751(18) for Alley Access Lot Standards in R-1.)
- (12) The 18 foot setback requirement for garages and carports is measured through the centerline of the driveway from the front property line to either the garage door or to the frontmost support post of a carport.
- (13) For multiple-family projects, refer to EC 9.5500(9) Open Space.
- (14) **Fences.**
- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
  - (b) Location and Heights.
    - 1. Except as provided in subsection (c) below, fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751(14)(b)1.)**
    - 2. Except as provided in subsection (c) below, fences up to 6 feet in height are permitted within the required interior yard setback.

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3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
  4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.
- (c) Deer Fencing. The following standards apply in the R-1 zone to fencing in the front and interior yards that is intended to protect property from damage by deer and/or other animals. The purpose of these standards is to allow for increased opportunities for urban agriculture in otherwise under-utilized front and interior yards while encouraging compatibility with a low-density residential environment.
1. Deer fencing up to a maximum height of 8 feet above grade is permitted in the front and interior yard setbacks.
  2. Deer fencing may extend above any fence that meets allowable fence heights per subsection (b) of this section if the portion above allowable height provides a clear view through the fence. For the purposes of this subsection, a clear view fence shall be unobstructed to both light and air and shall have a minimum open area between wire strands of 8 square inches with a minimum of 2 inches in any one dimension. In addition, no horizontal component (such as wood or metal), other than tension wire, may be used as part of a deer fence.
  3. Permitted deer fencing materials include wire fencing (such as field fence, hog or cattle panels) and wire strand with a maximum diameter of ¼ inch that is open and visible through the material. Chain link and polypropylene or plastic fencing materials are prohibited as a deer fencing material.
  4. Vertical posts must be a minimum of 3.5 feet apart and each post shall be no more than 8 inches in any one dimension.
  5. Deer fencing shall be installed and maintained in a manner that prevents sagging.

### **(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 in the R-1 zone, except for alley access lots, flag lots, and lots on the east side of Fairmount Boulevard:
1. A lot shall have no more than one driveway accessed from a street.
  2. The total number of parking spaces shall be limited to 2 per lot, not including parking within a garage.
  3. The driveway and associated parking shall be perpendicular to the street.
  4. A driveway and associated parking area shall not exceed 22 feet in width by 18 feet in depth for side by side parking spaces, or 12 feet in width by 33 feet in depth for tandem parking spaces.
  5. Driveways and associated parking spaces shall be hard-surfaced with asphalt, concrete, pavers or grass-crete. No parking shall be allowed outside of the hard-surfaced area.
- (b) R-3 and R-4 Zones. Except for development subject to the Multi-Family

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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.

1. Except for corner lots, a lot may have no more than one driveway accessed from a street. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.
2. Abutting lots may share a driveway provided such a driveway is allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either lot sharing the driveway.
3. Except for a driveway and associated parking area shared by two adjoining lots ("shared driveway"), no driveway or associated parking area shall be located in the interior yard setback adjacent to a property line, except in an interior yard setback that is adjacent only to an alley.
4. Consistent with the standards in this subsection, a driveway and associated parking area may be located between any structure and the street or alley.
5. When a driveway and associated parking area is provided from an alley, the driveway and associated parking area shall not extend further than the street facing façade of the building closest to the street.
6. Except for shared driveways and as provided in 8. below, when a driveway and associated parking area is accessed from a street, the driveway and associated parking area shall not exceed 22 feet in width. Shared driveways and associated parking areas shall not exceed 24 feet in width.
7. Except as provided in 8. below, a driveway and associated parking area accessed from a street shall be a minimum of 18 feet in depth and a maximum of 33 feet in depth, measured from the front lot line. The driveway and associated parking area shall be perpendicular to the adjacent street.
8. When a parking area is provided behind the structure and accessed from a street, the driveway shall be perpendicular to the street until it serves the associated parking area and shall not exceed 20 feet in width.
9. All portions of required front yard setbacks not otherwise covered by a legal driveway or by projecting building features as allowed per EC 9.6745(3) shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the street to the entrance of a dwelling. The pedestrian path shall be separated from any vehicle use areas by a minimum of 3 feet. The area between the vehicle use area and the pedestrian path shall be landscaped and maintained with living plant material.
10. No parking shall occur in the landscaped portion of the required front yard setback.
11. Adjustments to the standards in subsection 9. may be made, based on the criteria at EC 9.8030(30).

**(See Figure 9.2751(15))**

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

- (a) General Standards. Except as provided in subsection (b) below, the following standards apply to all new accessory buildings:
1. Building Size. The maximum square footage of all accessory buildings shall not exceed 10 percent of the lot area, except that accessory buildings on development sites larger than one acre (43,560 square feet) may exceed that maximum size if approved through the PUD process. For the purposes of calculating square footage, all floors of a multi-story structure shall be included.
  2. Building Height/Interior Setback.
    - a. Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 25 feet, except as provided below. **(See Figure 9.2751(16)(a)2.a.)**
    - b. Where the entire structure meets the sloped setback standard above, approval for up to a 5-foot increase in height may be granted only through the PUD process.
  3. Use. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling. An accessory building shall be limited to 2 plumbing fixtures, except that an accessory building may have 3 plumbing fixtures if, prior to the city's issuance of a building permit for the accessory building, the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:
    - a. The accessory building may not be rented, advertised, represented, or otherwise used as an independent dwelling.
    - b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
    - c. The deed restriction may be terminated, upon approval by the city, at such time as the city code no longer limits the use of said accessory building for residential uses, or upon removal of the accessory building.
- (b) Area-Specific Accessory Building Standards. The following standards apply to all new accessory buildings associated with a dwelling in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
1. In addition to any accessory buildings legally established prior to April 12, 2014, one accessory building is allowed.
  2. The accessory building shall not exceed 400 square feet in area.
  3. Building Height/Interior Setback.
    - a. The interior yard setbacks shall be at least 5 feet from the interior lot lines. In addition, at a point that is 8 feet above finished grade, the setbacks shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot lines until a point not to exceed a maximum building

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height of 18 feet.

- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

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

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

**(17) Secondary Dwellings in R-1.**

- (a) General Standards for Attached Secondary Dwellings. Except as provided in subsection (c) below, secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
  1. Lot Area. To allow a secondary dwelling, flag lots shall contain at least 12,500 square feet, excluding the pole portion of the lot, and shall have a minimum pole width as required under EC 9.2775(5)(e). All other lots shall contain at least 6,100 square feet.
  2. Building Size. The total building square footage of a secondary dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

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3. Building Height/Interior Setback. Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:
  - a. For attached secondary dwellings located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750
  - b. For attached secondary dwellings located greater than 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. **(See Figure 9.2751(16)(b)3.)**
  - c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.
4. Minimum Attachment. The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
5. Maximum Bedrooms. The secondary dwelling shall contain no more than 2 bedrooms.
6. Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.
7. Ownership/Occupancy Requirements. Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.
8. Temporary Leave. Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an



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employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).

9. Deed Restriction. Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:
    - a. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.
    - b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
    - c. The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.
  10. Verification. At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 7. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.
  11. Additional Standards for Secondary Dwellings on Flag Lots. Secondary dwellings on flag lots are also subject to the standards at EC 9.2775(5)(e).
- (b) General Standards for Detached Secondary Dwellings. In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following, except as provided in subsection (c) below:
1. Building Size. Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.
  2. Pedestrian Access. A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in

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- width.
3. Primary Entrance. The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
  4. Outdoor Storage/Trash. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
  5. Building Height/Interior Setback. Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:
    - a. Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.
    - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(16)(b)3.)**
    - c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).
  6. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).
- (c) Area-Specific Secondary Dwelling Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
1. Lot Area. To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.
  2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.
  3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
  4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of the total lot area.
  5. Building Size. For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. Total building

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square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

6. Minimum Attachment. The standards at EC 9.2751(17)(a)4. are applicable.
7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.
8. Maximum Occupancy. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
9. Building Height/Interior Setback. For detached secondary dwellings:
  - a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.
  - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

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

10. Dog Keeping. The standards at EC 9.2751(17)(a)6. are applicable.
11. Ownership/Occupancy Requirements. The standards at EC 9.2751(17)(a)7. are applicable.
12. Temporary Leave. The standards at EC 9.2751(17)(a)8. are applicable.
13. Deed Restriction. The standards at EC 9.2751(17)(a)9. are applicable.
14. Verification. The standards at EC 9.2751(17)(a)10. are applicable.
15. Parking. For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
16. Alley Access Parking and Driveway. The standards at EC 9.2751(18)(a)11. are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
17. Pedestrian Access. The standards at EC 9.2751(17)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.
18. Primary Entrance. The standards at EC 9.2751(17)(b)3. are applicable to detached secondary dwellings only.

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19. Outdoor Storage/Trash. The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.
  20. Maximum Wall Length. The standards at EC 9.2751(17)(b)6. are applicable to detached secondary dwellings only.
  - (d) Adjustment Review. The standards at EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For secondary dwellings, these are the only standards that may be adjusted. With the exception of EC 9.2751(17)(a)8. regarding temporary leave, these standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
  - (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.
- (18) Alley Access Lots in R-1.**
- (a) General Standards.
    1. Applicability. Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.
    2. Use Regulations. Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling.
    3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
    4. Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
    5. Building Height/Interior Setback.
      - a. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 18 feet.
      - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.
  - (b) **(See Figure 9.2751(16)(b)3.)**
    - c. These standards may be adjusted in accordance with EC 9.8030(35).
  6. Windows, Dormers and Balconies.

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- a. Any window on the upper story must be located a minimum of 10 feet from any property line.
  - b. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.
  - c. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.
  - d. Notwithstanding b. and c. above, dormers and balconies are not allowed on the second floor of a dwelling on any non-alley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.
7. Bedrooms. The dwelling shall contain no more than 3 bedrooms.
  8. Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
  9. Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.
  10. Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.
  11. Parking and Driveway.
    - a. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
    - b. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
    - c. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.
    - d. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
    - e. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
    - f. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
    - g. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.

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- h. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
  - i. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
  - j. No parking shall occur outside of the vehicle use area.  
**(See Figure 9.2751(18)(a)11.)**
- 12. Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.
  - 13. Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
  - 14. Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.
  - 15. Adjustment Review. For alley access lots, EC 9.2751(18)(a)5 is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (b) Area-Specific Alley Access Lot Standards in R-1. Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)3. Building Size, the following applies:
- 1. Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
  - 2. This standard may not be adjusted.
- (19) Area-Specific Maximum Bedroom Count**. In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the maximum allowable number of bedrooms in a dwelling shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city's issuance of a building permit for a new dwelling or for an addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:

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1. The maximum number of unrelated individuals living in the dwelling shall be limited to 3.
2. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
3. The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.

*(Section 9.2751, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; Ordinance No. 20418, enacted August 11, 2008, effective August 13, 2008, remanded on June 12, 2009, and rendered ineffective; amended by Ordinance No. 20439, enacted October 12, 2009, effective November 13, 2009, with those amendments to sunset and be repealed on June 30, 2010; amended by Ordinance No. 20448, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; Ordinance No. 20533, enacted June 23, 2014, effective July 25, 2014; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

**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.

<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Lot Area Minimum (1)</b>					
Lots, except Rowhouse Lots, Small Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Residential Flag Lots, Duplex Division Lots	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) (Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse.)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet

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<b>Table 9.2760 Residential Zone Lot Standards (See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Duplex Lots (In R-1, a duplex lot shall be indicated on the final subdivision plat as developable as a duplex. Such lots may not be created by a partition. Alternatively, a duplex lot may be located on a corner lot that contains at least 8,000 square feet.)	8,000 square feet	--	--	--	--
Triplex Lots (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)	12,000 square feet	--	--	--	--
Fourplex Lots (In R-1, lots shall be indicated on the final plat and shall be developed as a fourplex.)	16,000 square feet	--	--	--	--
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
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet		3,600 square feet	3,600 square feet	3,600 square feet
<b>Lot Frontage Minimum (1)</b>					
Interior Lot	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	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)					
1 Lot	15 feet		15 feet	15 feet	15 feet
2 to 4 Lots	25 feet		25 feet	25 feet	25 feet
Rowhouse Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Lot Width Minimum (1)</b>					
Interior Lot (7)	50 feet	20 feet	35 feet (9)	35 feet (9)	35 feet (9)
Corner Lot	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 Lot	15 feet	15 feet	15 feet	15 feet	15 feet
<b>Lot Area Maximum (5)</b> (New subdivisions and partitions only)	13,500 square feet				
<b>Housing Mix Maximum (6)</b>					
Duplex	See EC 9.2741(4)	--	--	--	--
Triplex	See EC 9.2741(5)	--	--	--	--



<b>Table 9.2760 Residential Zone Lot Standards</b> <b>(See EC 9.2761 Special Standards for Table 9.2760.)</b>					
	<b>R-1</b>	<b>R-1.5</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Four-plex	See EC 9.2741(6)	–	–	–	–

*(Section 9.2760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)*

### **9.2761 Special Standards for Table 9.2760.**

#### **(1) Lot Standards.**

- (a) In determining lot area in a residential zone, the area within a public or private street or alley shall be excluded.
- (b) Solar standards may impose a more restrictive lot standard. (See EC 9.2790 Solar Lot Standards.)
- (c) Lot area, frontage, and width minimums may be modified with an approved cluster subdivision in R-1 or Planned Unit Development (PUD) in any zone.

#### **(2) Small Lots.** Lots 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) Rowhouse Lots.**

- (a) In R-1, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains 10 or more lots and where the overall residential density in the subdivision complies with Table 9.2750 Residential Zone Development Standards, except that the creation of new rowhouse lots is prohibited within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
- (b) In all zones, rowhouses shall have street frontage for the residence and alley access for off-street parking.

#### **(4) Flag Lots.**

- (a) No variances to residential flag lot standards are allowed.
- (b) 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.)

#### **(5) Exceptions to the maximum lot size shall be granted if any of the following is met:**

- (a) Existing physical circumstances such as topographically constrained lands, conservation easements, existing buildings, or utility easements prevent the ability to further divide the lot.
- (b) The lot exceeding the maximum lot size is intended to reserve a large lot for future land division with feasibility demonstrated by a conceptual buildout plan.
- (c) The subdivision achieves a minimum density of 9 units per net acre.
- (d) The exception will enable protection of natural resources.

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- (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.
- (7) In R-1, interior lots shall not have frontage on two non-intersecting streets unless approved through the cluster subdivision or planned unit development process where alternative proposals were evaluated, and there is no feasible alternative to the creation of double frontage lots.
- (8) **Duplex Division Lots.** Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)
- (9) Lot width and lot frontage minimums in R-2, R-3 and R-4 can be reduced to 20 feet as part of an approved site review plan, planned unit development, or cluster subdivision. Unless otherwise approved through a planned unit development or cluster subdivision, at no point, for the entire extent of the lot, shall the side lot lines be less than 20 feet apart.
- (10) Alley Access Only Lots/Parcels can be created only through an approved cluster subdivision in the R-1 zone or an approved planned unit development in any zone.

*(Section 9.2761, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014.)*

### **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.
- (2) **Land Division Regulations.** All applicable regulations for the type of land division process being used must be met except where the small lot standards create different requirements.
- (3) **Development Standards.**
  - (a) Zero interior yard setback option: Permitted, provided there is common wall construction 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.
  - (b) Height maximum: 30 feet in the R-2 Zone; 40 feet in the R-3 Zone; 30 feet in the R-3 and R-4 zones within 50 feet of abutting, or across an alley from properties zoned R-1 or R-2.
  - (c) Required outdoor living area: 10% of gross floor area.
  - (d) Maximum lot coverage: 55 percent in R-2 and R-3 Zones, and 60 percent in the R-4 Zone.

*(Section 9.2770, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)*

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

- (1) **Purpose.** Residential flag lots allow lots to be created in cases where there is adequate lot area to divide the property into 2 or more lots but not enough

street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. The standards require access for fire protection. The intent is to provide additional housing opportunities and to promote the efficient use of residential land. Home occupations and secondary dwellings are limited because of limited access and the greater impacts these uses would place on abutting sites.

**(2) Measurements.**

- (a) Flag Lot Dimensions. Residential flag lot width dimension is measured from the mid-point between two opposite lot lines of the flag portion of the lot.
- (b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted. **(See Figure 9.2775(2) Residential Flag Lot Description.)**

**(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. 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.
- (c) Access Pole. The minimum width for the pole portion of 1 flag lot is 15 feet. If 2 or more flag lots will use the same access driveway, the minimum combined width of the pole portions shall be 25 feet. A street may be required. The maximum number of flag lots taking access off the same access driveway is 4.
- (d) Ownership. The access pole must be part of the flag lot and must be under the same ownership as the flag portion.
- (e) Land Division Review. All applicable regulations for the type of land division process being used must be met except where the residential flag lot standards create different requirements.

**(4) Use Regulations.** Residential flag lots have the same land use regulations as the base zone except:

- (a) Home occupations are not allowed on residential flag lots less than 13,500 square feet;
- (b) Secondary dwellings are not allowed on flag lots less than 12,500 square feet; and
- (c) Secondary dwellings are not allowed on flag lots that did not exist or were not approved prior to August 29, 2014.

**(5) Development Standards.**

- (a) Generally. All base zone requirements must be met, unless otherwise stated in this section.
- (b) Setbacks. For any new building, residential flag lots shall have a minimum 10 foot building setback along all lot lines. Except for secondary dwellings, the special flag lot setback standard does not apply to flag lots that received final plat approval by December 25, 2002.
- (c) Access. Motor vehicle access from a public street to a residential flag lot may be obtained in one of the following three ways:
  - 1. Via the pole portion of the lot,
  - 2. Via an easement to use a driveway on an abutting property, or
  - 3. Via an existing alley.
- (d) Minimum Paving and Landscaping.
  - 1. Except as provided in subsection (e) below for secondary

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dwelling, the minimum paving of the driveway used for access shall be as follows:

- |                  |                                    |
|------------------|------------------------------------|
| 1 rear lot       | 12 feet                            |
| 2 to 4 rear lots | 20 feet* (Street may be required.) |

\*If approved by the planning director as necessary to preserve existing natural features, paving width may be reduced to 17½ feet, except for the first 25 feet back from the sidewalk if both sides of the driveway are landscaped in accordance with a landscape plan.

2. Driveways serving the flag lots and parking areas shall be constructed of at least 4 inch thick Portland Cement concrete, or 2½ inch compacted asphaltic concrete mix on 6 inches of ¾ minus compacted crushed rock base, or an approved equal. Base placement of driveways and parking areas shall be approved by the city manager prior to final surfacing. If an abutting property's access drive is used:
    - a. An access easement-maintenance agreement is required, which shall be recorded in the Lane County office of Deeds and Records, and
    - b. The abutting property shall meet off-street parking requirements for that property.
  3. If access is provided via an existing unimproved alley, a petition for improvement is required. The alley must be able to provide automobile and emergency vehicle access to a public street.
  4. Whether or not the portion of the flag lot with public street frontage is used for access, it shall remain free of structures and be available for possible future access to a public street.
  5. Each rear lot or parcel shall have 2 off-street parking spaces located outside of the pole portion of the flag lot.
- (e) Additional Standards for Secondary Dwellings on Flag Lots.
1. Access Pole Width. To allow for a secondary dwelling on flag lots existing or approved prior to August 29, 2014, that do not have legal access other than the individual or combined pole, the minimum width of the individual or combined pole shall be 25 feet.
  2. Access. No more than four dwellings (including primary and secondary dwellings) may take access off an individual pole or combined poles.
  3. Building Height/Interior Setback.
    - a. Interior yard setbacks shall be at least 10 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet for detached secondary dwellings and the maximum building height of the primary dwelling for attached secondary dwellings.
    - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.

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- c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).
4. Driveway Standards.
  - a. Paving. The driveway paving width shall be as follows:
    - (1) For flag lots served by an individual pole, the minimum driveway width shall be 12 feet, and the maximum driveway paving width shall be 20 feet.
    - (2) For flag lots served by a combined pole, the driveway width shall be 20 feet or a lesser width as approved by the fire code official.
  - b. Driveway Setbacks. The driveway paving shall be setback from the edge of the pole as follows:
    - (1) For flag lots that are served by an individual pole, the driveway paving shall be setback a minimum of six feet.
    - (2) For flag lots that are served by a combined pole, the driveway paving shall be setback a minimum of 2.5 feet.
  - c. Driveway Use. Parking is not allowed on any portion of the pole.
  - d. Landscaping. The entire length of both sides of the pole, within the area between the driveway paving and the edge of the pole, shall be landscaped to meet the Low Screen Landscape Standard (L-2) in EC 9.6210(2)(a), except as follows:
    - (1) The shrubs required for continuous screen at EC 9.6210(2)(a)1. shall be at least 45 inches high within three years and maintained at a height not to exceed 60 inches, with the intent to minimize headlight glare;
    - (2) The canopy tree requirement at EC 9.6210(2)(a)2., is not applicable; and
    - (3) In lieu of a masonry wall or berm, a solid wood fence may be permitted where the bottom of the fence is no higher than 12 inches above grade and the top of the fence is at least 45 inches above grade.
5. Exceptions. Exceptions to driveway setback and landscaping standards are allowed where the affected adjacent property owners consent in writing on a form approved by the city.
6. Adjustments. The standards at EC 9.2775(5)(e)4.b. and d. regarding driveway setbacks and landscaping may be adjusted in accordance with EC 9.8030(34)(d).

*(Section 9.2775, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20270, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

**9.2777 Duplex Division 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 average 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.

*(Section 9.2777, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Solar Standards

**9.2780 Purpose of Solar Standards.** Solar standards are utilized to create lot divisions, layouts and building configurations to help preserve the availability of solar energy to one and two family dwellings.

*(Section 9.2780, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.2790 Solar Lot Standards.**

- (1) Applicability.** Solar lot standards apply to the creation of lots within subdivisions in R-1 and R-2 zones.
- (2) Solar Lot Requirements.** In R-1 and R-2, at least 70% percent of the lots in a subdivision shall be designed as “solar lots” and shall have a minimum north-south dimension of 75 feet and a front lot line orientation that is within 30 degrees of the true east-west axis. For purposes of this subsection, a lot proposed for more than one dwelling unit shall count as more than one lot , according to the number of units proposed (e.g. a lot proposed for a fourplex shall be considered 4 lots). **(See Figure 9.2790(2) Solar Lot Requirements.)**
- (3) Exceptions to the Solar Lot Requirements.** A proposed subdivision shall be exempt from EC 9.2790(2) if either of the following exists:
  - (a) Density.** The proposed subdivision provides at least 70% of the maximum allowed density according to the zoning of the property.
  - (b) Site Constraints.** One of the following circumstances is present:
    1. Compliance with applicable street standards or public street plans requires a street configuration that prevents the lots from being oriented for solar access.
    2. An existing public easement or right-of-way prevents the lot from being oriented for solar access.
    3. There is a significant natural feature on the site, identified as such in the Metro Plan, adopted refinement plan, or in any city-adopted natural resource inventory that will continue to exist after the site is developed, and that prevents the lot from being oriented for solar access.
- (4) Exemptions to the Solar Lot Requirements.** A proposed lot shall not be identified as a “solar lot” but shall be counted as a lot that satisfies EC 9.2790(2) Solar Lot Requirements when the lot satisfies (a)(b)(c) or (d) of this subsection.
  - (a) Slopes.** The lot is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south.
  - (b) Existing Off-Site Shade.** The lot is within the shadow pattern of off-site features, such as but not limited to buildings, topography, or coniferous trees or broadleaf evergreens, which will remain after development occurs on the site from which the shade is originating.
    1. Shade from existing or approved off-site buildings or structures and from topographic features is assumed to remain after development of the site.
    2. Shade from vacant developable areas off-site is assumed to be the shadow pattern that would result from the largest building allowed at the closest setback allowed on adjoining land, whether or not that building now exists.
    3. Shade from coniferous trees or broadleaf evergreens is assumed

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to remain after development of the site if that vegetation is situated in a required setback; or part of a developed area, public park, or legally reserved open space; or part of landscaping or other features required pursuant to this land use code.

- (c) Existing On-Site Shade. The site, or portion of the site for which the exception is sought complies with at least one of the following:
1. The site is within the shadow pattern of on-site features such as, but not limited to, buildings and topography which will remain after the development occurs.
  2. The site contains coniferous trees or broadleaf evergreens at least 30 feet tall and more than 8 inches in diameter measured four feet above the ground which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the non-solar friendly vegetation that cause the shade that warrants the exemption. The applicant shall file a note on the plat or documents in the office of the county recorder binding the applicant to comply with this requirement.
- (d) Housing Mix. The lot is designated for a housing type other than one-family detached dwellings in a proposed subdivision that identifies at least 10% of the lots for a housing type other than one-family detached dwellings.

*(Section 9.2790, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### 9.2795 Solar Setback Standards.

- (1) **Applicability.** These standards apply to all structures on R-1 and R-2 zoned lots, 4000 square feet or greater, with a minimum north-south dimension of 75 feet.
- (2) **Solar Setback Requirements.** Buildings shall be setback from the northern property line according to the standards in this section. An applicant for a development permit for a building subject to this section shall submit verification on a form approved by the city manager that shows either the solar setback or how the structure qualifies for an exemption. If buildings on separate lots are attached or connected at a common lot line, the solar setback standards apply as if the buildings are a single building on a single lot composed of both lots. **(See Figure 9.2795 Solar Setback Standards, Figure 9.2795(2) Shade Point Height (SPH) Measurement, Figure 9.2795(2)(a) R-1 Solar Setback Calculation, and Figure 9.2795(2)(b) R-2 Solar Setback Calculation.)**
- (a) Solar Setback for R-1 Zone. The solar setback of the shade point shall be greater than or equal to the following formula:  
$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 82.5$$
  
Where:  
SSB = Solar setback (the shortest horizontal distance between the shade point and the plane of the northern lot line).  
SPH = Shade point height (Reduce this dimension by 3 feet if the shade point is a ridgeline between 45 degrees east or west of true north.)



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N = North-south lot dimension. Maximum allowable “N” for purposes of calculating the solar setback shall be 90 feet.

The following table, which accurately applies the formula, can be used to determine compliance with the solar setback standard.

Shade Point Height [SPH]	North-South Lot Dimension			
	90 feet [N]	85 feet [N]	80 feet [N]	75 feet [N]
18 feet	7.5	5	2.5	0
20 feet	12.5	10	7.5	5
22 feet	17.5	15	12.5	10
24 feet	22.5	20	17.5	15
26 feet	27.5	25	22.5	20
28 feet	32.5	30	27.5	25
30 feet	37.5	35	32.5	30
32 feet	42.5	40	37.5	35
34 feet	47.5	45	42.5	40
36 feet	52.5	50	47.5	45
38 feet	57.5	55	52.5	50
40 feet	62.5	60	57.5	55

\*Solar setback is usually measured from an eave or from a ridge line of a roof. See Shade Point definition in EC 9.0500 and Figure 9.2795.

- (b) Solar Setback for R-2 Zone. The solar setback of the shade point shall be greater than or equal to the following formula:

$$SSB = (2.5 \times SPH) + (N \text{ divided by } 2) - 95$$

Where:

SSB = Solar setback (the shortest horizontal distance between the shade point and the plane of the northern lot line).

SPH = Shade point height (Reduce this dimension by 3 feet if the shade point is a ridgeline between 45 degrees east or west of true north.)

N = North-south lot dimension. Maximum allowable “N” for purposes of calculating the solar setback shall be 90 feet.

The following table, which accurately applies the formula, can be used to determine compliance with the solar setback standard.

<b>Table 9.2795(2)(b) Solar Setback From Northern Lot Line for R-2 [SSB]</b> <b>(All figures are in feet.)*</b>				
<b>Shade Point Height [SPH]</b>	<b>North-South Lot Dimension</b>			
	<b>90 feet [N]</b>	<b>85 feet [N]</b>	<b>80 feet [N]</b>	<b>75 feet [N]</b>
22 feet	5	2.5	0	0
24 feet	10	7.5	5	2.5
26 feet	15	12.5	10	7.5
28 feet	20	17.5	15	12.5
30 feet	25	22.5	20	17.5
32 feet	30	27.5	25	22.5
34 feet	35	32.5	30	27.5
36 feet	40	37.5	35	32.5
38 feet	45	42.5	40	37.5
40 feet	50	47.5	45	42.5
42 feet	55	52.5	50	47.5
44 feet	60	57.5	55	52.5
46 feet	65	62.5	60	57.5

\*Solar setback is usually measured from an eave or from a ridge line of a roof. See Shade Point definition in EC 9.0500 and Figure 9.2795.

- (3) Exemptions to Solar Setback Requirements.** A building is exempt from the solar setback standards when any of the following conditions exist:
- (a) Slopes. The lot on which the building is located has an average slope of 20 percent or more in a direction greater than 45 degrees east or west of true north.
  - (b) Existing Shade. The building will shade an area that is already shaded by one or more of the following:
    1. An existing or approved building or structure.
    2. A topographic feature.
    3. Coniferous trees or broadleaf evergreens that will remain after development of the site.
  - (c) Insignificant Benefit. The building will shade one or more of the following:
    1. A non-developable area, such as designated open space, a public utility easement, street or alley.
    2. The wall of an unheated space, such as a garage, excluding solar greenhouses and other similar solar structures.
    3. The wall of a non-residential structure.
    4. No more than 20% of a south wall of an existing habitable dwelling. See Figures 9.2795(2), 9.2795(2)(a) and 9.2795(2)(b).
  - (d) Neighbor Approval. The owner of the abutting property to the north, for which a certificate of occupancy has been issued by the city, grants an exemption to the solar setback requirement on a form supplied by the city and subject to a fee set by the city manager.
  - (e) PUD Exemption. The lot is identified as being exempt from solar setback provisions through an approved PUD application where one or more of the following exists:

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1. The lot has been identified as being exempt from solar setback standards.
2. The proposed building locations and heights were approved.

*(Section 9.2795, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

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## **Special Area Zones**

### **General**

**9.3000** **Purpose for Creating Special Area Zones.** The S Special Area zone provides procedures and criteria for recognition of areas of the city that possess distinctive buildings or natural features that have significance for the community and require special consideration or implementation of conservation and development measures that can not be achieved through application of the standard base zones. In some cases, an S Special Area Zone is applied to implement a plan for an area identified for nodal development. Application of S Special zone to a lot containing a specific building, structure, object, site or archeological resource that qualifies as an historic landmark will ensure that permitted uses encourage preservation of historic qualities.

*(Section 9.3000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20266, enacted November 12, 2002, effective December 12, 2002)*

**9.3010** **Applicability of General Regulations and Standards.** When an area is zoned S Special Area, as indicated on the Eugene Zoning Map, the general development standards set forth in this land use code shall govern, except when they conflict with the special standards applicable specifically in the special area zone. In cases of conflict, the standards specifically applicable in the special area zone shall control.

*(Section 9.3010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3015** **Process for Establishment or Change of an S Special Area Zone.** Establishment of an S Special Area zone shall be processed as a Type V application as provided for in EC 9.7500 through EC 9.7560 Type V Application Procedures, based on the criteria in EC 9.3020 and the required provisions of EC 9.3030. Application of the S special area zone to specific areas shall be processed concurrently with establishment of the special area zone. Future application of the zone to specific properties shall be processed as a zone change.

*(Section 9.3015, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3020** **Criteria for Establishment of an S Special Area Zone.** Before adopting an ordinance establishing a S Special Area Zone, the city council shall find that the proposal is in compliance with following criteria:

- (1)** The area to which the S Special Area Zone is being applied meets at least one of the following criteria:
  - (a) Is identified in the Metro Plan or a refinement plan as appropriate for nodal development or for a special range of uses or development that can best be achieved with the use of a special area zone; or
  - (b) Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or rehabilitation. In order to be considered distinctive, it must be demonstrated that:
    1. The area is characterized by buildings that merit preservation in order to protect their special features; or
    2. The area contains natural features that have been identified by the

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city as worthy of special treatment or preservation.

- (2) An analysis of the area demonstrates how the uses and development standards of the S Special Area zone ordinance will facilitate implementation of the planned use of the property or the preservation or rehabilitation of distinctive buildings or natural features of benefit to the community.
- (3) Except for areas zoned S-H Historic Special Area zone, the area to be classified S Special Area includes at least ½ acre in area.
- (4) The application of the zone to the properties proposed for inclusion in the S Special Area zone and the required provisions of a special area zone ordinance are consistent with the criteria required for approval of a zone change, according to EC 9.8865 Zone Change Approval Criteria.

Except for ordinances establishing individual site-specific historic zones, copies of which are maintained at the city's planning and development department, all existing Special Area zones are set forth in this land use code.

*(Section 9.3020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20266, enacted November 12, 2002, effective December 12, 2002.)*

### **9.3030 Required Provisions of a Special Area Zone Ordinance.** Each S Special Area zone is established by an ordinance that contains the following sections:

- (1) Purpose describing the intent of the S Special Area zone.
- (2) Land Use and Permit Requirements setting forth the uses to be permitted outright, permitted based on approval of a land use application, or permitted subject to special standards.
- (3) Development Standards containing development standards governing factors that are necessary to achieve the purpose of the S Special Area zone such as required off-street parking, landscaping, setbacks, and building height limitations.
- (4) Lot Standards containing lot area and dimension standards applicable in the particular S Special Area zone.
- (5) Siting Requirements in addition to those at EC 9.8865 Zone Change Approval Criteria.

*(Section 9.3030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## 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 and single family residential development that contributes positively to the neighborhood pattern of single family detached dwellings;
- (3) Protect existing commercial businesses, encourage commercial infill, redevelopment and development with design standards that support the neighborhood cohesiveness;
- (4) Create transitions between higher intensity commercial land uses and residential neighborhoods, in terms of building heights, set backs and building facades;
- (5) Establish, strengthen, and maintain a high quality urban environment with compatible commercial, residential and employment and industrial use; and
- (6) Create a pedestrian friendly environment.

*(Section 9.3050 added by Ordinance No. 20355, enacted December 12, 2005, effective January 13, 2006; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.3055** **S- C Chambers Special Area Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 Zone Change Approval Criteria, the site must be included within the area depicted on Map 9.3055 S-C Chambers Special Area Zone and subareas. When property is rezoned to S-C, as part of the rezoning process, the city shall identify the subarea designation applicable to the property. Within the S-C Chambers Special Area Zone, the three subareas are:

- (1) S-C/R-1;
- (2) S-C/R-2;
- (3) S-C/C-2.

The applicable subareas shall be as shown on Map 9.3055 S-C Chambers Special Area Zone, unless a different subarea designation is found to be consistent with EC 9.3050 Purpose of S-C Chambers Special Area Zone.

*(Section 9.3055 added by Ordinance No. 20355, enacted December 12, 2005, effective January 13, 2006.)*

**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.
- (3) The land use and permit requirements and special use limitations applicable in the S-C/C-2 subarea shall be those set out at EC 9.2160 and EC 9.2161 for uses in the C-2 zone.

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(Section 9.3060 added by Ordinance No. 20355, enacted December 12, 2005, effective January 13, 2006.)

### **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.
  - (a) **Lot Size Minimums for Flag Lots.** In lieu of any conflicting provisions in EC 9.2750 to 9.2777 for flag lots in the R-1 zone, the following standards apply for flag lots in the S-C/R-1 subarea:
    1. Single dwellings and attached secondary dwellings: minimum lot size 4,500 square feet.
    2. Detached secondary dwellings: minimum lot size 6,000 square feet.
    3. The original lot, prior to creation of the flag lot, is not subject to a minimum lot size of 13,500 square feet.In calculating the lot area, only the flag portion of the lot (exclusive of the pole) is counted.
  - (b) **Detached Secondary Dwellings.** In lieu of conflicting provisions in EC 9.2750 to 9.2777 for secondary dwellings in the R-1 zone, in the S-C/R-1 subarea:
    1. Detached secondary dwellings are permitted on alley access lots and flag lots.
    2. Building heights for all detached secondary dwellings shall not exceed 20 feet.
    3. A pedestrian walkway from the street or alley to the primary entrance of the detached secondary dwelling is not required.
  - (c) **Alley Open Space.** In lieu of conflicting provisions in this code regulating alley open space, the following standards apply to all development in the S-C/R-1 subarea having a residential building that is accessed from an alley:
    1. An open space area of at least 400 square feet is required. Except as provided in 2. below, the open space area shall abut the alley on at least 25% of the lot width at the alley property line, be a minimum of 10 feet in depth at the alley property line, and may include areas within setbacks. **See Figure 9.3065(2)(c)1., Alley Open Space.**
    2. Alley open space required in 1. above may be placed behind parallel parking on the lot. **See Figure 9.3065(2)(c)1.**
- (3) **Development Standards Applicable in S-C/R-2 Subarea.** Except as provided in this subsection, the development standards applicable in the S-



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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.

- (a) Density Standards. In lieu of the density standards for the R-2 zone in Table 9.2750 and EC 9.2750(1), there is no minimum density requirement regardless of lot size, and the following maximum density standards apply:
1. For lots with street access:
    - a. One dwelling unit if the lot area is less than or equal to 4,500 square feet.
    - b. Two dwelling units if the lot area is greater than 4,500 square feet and less than or equal to 9,200 square feet.
    - c. Three dwelling units if the lot area is greater than 9,200 square feet.
  2. For alley access lots: One dwelling unit regardless of lot size.
- (b) Building Setbacks. In lieu of the setback standards for the R-2 zone in Table 9.2750 and EC 9.2751, the following setback requirements apply:
1. Front Yard Setbacks.
    - a. Alley access lots have no front yard setback requirement.
    - b. Residential buildings not on an alley access lot:
      - (1) Minimum setback: Except as allowed by EC 9.6745 Setbacks-Intrusions Permitted, all residential buildings shall be set back a minimum of 10 feet from front lot lines.
      - (2) Maximum setback: At least 1 residential building shall have its main facade within 25 feet of the front lot line the facade faces. An adjustment to this standard may be made based on the criteria in EC 9.8030 (2) and (23)(a).
    - c. Garages and accessory buildings not on an alley access lot. Garages and accessory buildings shall be set back a minimum of 18 feet from the front lot lines and a minimum of 6 feet behind the street-facing facade of the residential building closest to the street it faces.
  2. Interior Yard Setbacks. Except as provided in d through f of this subparagraph:
    - a. The interior yard set back from a lot line adjacent to an alley shall be at least 5 feet.
    - b. An interior yard setback, or a segment of an interior yard setback:
      - (1) For a lot with street access where the interior yard setback is not adjacent to an alley; and
      - (2) Where all points on the interior lot line, or segment of lot line to which the setback applies are located within 60 feet of a front lot line that is perpendicular to the side of the lot along which the interior lot line lies, shall be at least 5 feet from the interior lot line and a minimum of 10 feet from structures on other lots. In addition, at a point that is 12 feet above grade, the

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setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from the lot line. **See Figure 9.3065(3)(b)2.b., Interior Yard Setbacks (Front).**

- c. All other interior yard setbacks, or segments of interior yard setbacks, not covered in subparagraphs a. and b., shall be at least 5 feet from the interior lot line and a minimum of 10 feet from structures on other lots. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from the lot line. **See Figure 9.3065(3)(b)2.c., Interior Yard Setbacks (Rear).**
- d. All intrusions allowed by EC 9.6745 ("Setbacks-Intrusions Permitted"), and not explicitly covered by other provisions of this special area zone standard, are allowed.
- e. On a lot with street access, a residential building with a main roof ridgeline parallel to the front lot line may have a single gable or hipped portion on each side of the structure intrude into the sloped portion of the interior yard setback, as long as the entire intrusion is within 60 feet of the front lot line and the maximum width of the part of the structure that penetrates the sloped setback is 35 feet. For lots with more than 1 front lot line (e.g. corner lots) the 60 foot distance shall be measured from the shortest front lot line. **See Figure 9.3065(3)(b)2.e., Interior Yard Setbacks (Gables).**
- f. A residential building may have a maximum of 4 dormers, with a maximum of 2 dormers per side of the roof, that intrude into the sloped portion of an interior yard setback, as long as each dormer that intrudes on the setback meets the following requirements:
  - (1) Has a minimum setback of 5 feet from interior lot lines and is a minimum of 10 feet from structures on other lots.
  - (2) Maximum width.
    - (a) There is no maximum width for a dormer that has an end (face) wall that does not face a street and is setback at least 30 feet from the nearest lot line the end wall faces.
    - (b) The maximum width for all other dormers that intrude into the setback is 10 feet measured between the sidewalls or maximum roof opening, whichever is greater.
  - (3) The dormer's sidewalls (if any) are setback a minimum of 2 feet from the nearest parallel outer wall of the main structure to which the dormer is attached. **See Figure 9.3065(3)(b)2.f., Interior Yard Setbacks (Dormers).**

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- g. Standards in this subsection 2. may be adjusted if consistent with the criteria of EC 9.8030(23)(b).
3. **Window Setback Above First Floor.** Windows above the first floor shall be setback a minimum of 10 feet from interior lot lines that are not adjacent to an alley. Windows that are within 60 feet of the front lot line of a lot with street access, and that are in a gable end of a residential building with a main roof ridgeline parallel to the front lot line are excluded from this setback requirement. For lots with more than 1 front lot line (e.g. corner lots) the 60 foot distance shall be measured from the shortest front lot line. **See Figure 9.3065(3)(b)3., Interior Yard Setbacks (Windows).**
- (c) **Building Height.** In lieu of the building height standards for the R-2 zone in Table 9.2750 and EC 9.2751, the following apply:
1. For lots with street access:
    - a. The maximum height of any part of a residential building within 60 feet of the front lot line is 27 feet. For lots with more than 1 front lot line (e.g. corner lots) the 60 foot distance shall be measured from the shortest front lot line. Adjustments to the standard in this subsection (c)1.a may be made based on the criteria of EC 9.8030(23)(c).
    - b. The maximum height of any part of a residential building other than within the area specified by subparagraph a. is 18 feet.
    - c. The maximum height of any part of a garage or accessory building is 18 feet.
  2. For alley access lots, the maximum height of any part of any type of structure is 18 feet.
  3. The height of any part of a structure shall be measured as its distance above grade.
  4. Chimneys on residential buildings may exceed the maximum height limits by no more than 5 feet.
- (d) **Residential Building Standards.** In lieu of conflicting development standards in this code for residential buildings within the R-2 zone, residential buildings shall comply with the following standards:
1. All roof surfaces on residential buildings over 200 square feet, other than as provided for porches and dormers in subparagraphs a. and b., shall have a minimum slope of 6 inches vertically for every 12 inches horizontally unless adjusted based on the criteria of EC 9.8030(23)(d), and a maximum slope of 12 inches vertically for every 12 inches horizontally.
    - a. Dormers meeting the following criteria have no minimum roof slope requirement:
      - (1) Dormers less than 10 feet wide, as measured between sidewalls or maximum roof opening, whichever is greater.
      - (2) Dormers on the rear (i.e., the side opposite the street the residential building faces) of the residential building closest to the street.
    - b. Residential building porches meeting the following criteria have no minimum roof slope requirement:

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- (1) Porches less than 100 square feet.
  - (2) Porches on the rear (i.e., the side opposite the street the residential building faces) of the residential building closest to the street.
2. Front Entries.
  - a. The residential building closest to the street shall include a main entry oriented to and visible from the street.
  - b. On corner lots with multiple residential buildings, all residential buildings shall include a main entry oriented to and visible from a street.
- (e) Garage and Accessory Buildings Standards. In lieu of conflicting standards in this code applicable to garage and accessory buildings within the R-2 zone, the following standards apply:
  1. Garage door widths.
    - a. Except for a garage oriented to an alley, only 1 garage door, with maximum width of 9 feet and maximum height of 8 feet, is allowed within 30 feet of the front lot line.
    - b. For a garage oriented to an alley, 1 garage door 18 feet wide and 8 feet high or 2 garage doors 9 feet wide and 8 feet high, are permitted.
  2. Accessory buildings over 200 square feet in area shall have a minimum roof pitch of 6 inches vertically for every 12 inches horizontally.
- (f) Driveway Standards. In lieu of conflicting standards in this code applicable to driveway and curb cut requirements within the R-2 zone, the following standards apply:
  1. Street Access Driveway Width.
    - a. The maximum driveway width for a single-car garage is 13 feet.
    - b. No driveway shall be wider than 13 feet within 30 feet of the front property line.
    - c. The maximum curb cut width is limited to 13 feet for each lot.
    - d. If a driveway is to be located adjacent to an existing driveway on adjacent property, the maximum shared driveway width shall be 24 feet.

Walkways adjacent to a driveway shall be included in calculating the driveway width.
  2. Alley Access Driveway Width. The maximum driveway width is 20 feet within the first 30 feet of the alley property line.
  3. Adjustment. The driveway width standards in this subsection (f) may be adjusted based on the criteria of EC 9.8030(23)(e).
- (g) Alley Open Space. In lieu of conflicting provisions in this code regulating alley open space, the following standards apply to all development in the S-C/R-2 subarea having a residential building that is accessed from an alley:
  1. An open space area of at least 400 square feet is required. Except as provided in 2. below, the open space area shall abut the alley on at least 25% of the lot width at the alley property line, be a minimum of 10 feet in depth at the alley property line, and

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- may include areas within setbacks. **See Figure 9.3065(2)(c)1., Alley Open Space.**
2. Alley open space required in 1. above may be placed behind parallel parking on the lot. **See Figure 9.3065(2)(c)1.**
- (h) **Lot Standards.** In lieu of conflicting lot standards for the R-2 zone in Table 9.2760 and EC 9.2761 **Special Standards for Table 9.2760**, the following minimum standards apply to all new lots created after December 12, 2005 or requests for property line adjustments to existing lots that are submitted after that date:
1. Minimum lot frontage: 45 feet. For alley access lots, lot frontage is that portion abutting the alley.
  2. Minimum lot width on street or alley: 45 feet.
  3. Minimum lot depth (interior yard): 45 feet.
  4. Maximum lot size: 13,500 square feet.
  5. Alley access lots are permitted, subject to the development standards of this section.
  6. Flag lots are not permitted.
  7. The following special limitations shall apply:
    - a. Lot Aggregation: 2 or more lots or parcels shall not be combined or reconfigured such that the resulting number of lots or parcels is reduced. This requirement includes, but is not limited to partition or subdivision replats and property line adjustments.
    - b. Property line adjustments: Property lines may be adjusted up to 5 feet, measured perpendicularly from the existing property line, provided that all other provisions of this section and EC 9.8400 through EC 9.8420, Property Line Adjustments, have been met.
- (i) **Adjacent Lot Development.** Developments that span 2 or more adjacent lots must meet standards for each individual lot (e.g. density, setbacks, etc.).
- (j) **Vehicle Use Area.** The total vehicle use area shall not exceed 20 percent of the lot size.
- (4) Development Standards Applicable in the S-C/C-2 Subarea.** Except as provided in this subsection, the development standards applicable in the S-C/C-2 subarea shall be those set forth in EC 9.2170 to 9.2181 for the C-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 9.6995.
- (a) **Street Facades.** Ground floor facades that are 15 feet or closer to the front property line shall have windows, arcades, colonnades, display windows, entry areas, awnings, canopies or other similar features along no less than 50% of their horizontal length.
  - (b) **Height Limitation.** No portion of a building located within 50 feet of a residential zone shall exceed the maximum height in that residential zone's or overlay zone's accessory building height limit.

*(Section 9.3065 added by Ordinance No. 20355, enacted December 14, 2005, effective January 13, 2006.)*

## 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 Metro Plan and TransPlan by ensuring that:

- (1) The overall street system and internal circulation systems provide a network that encourages walking, bicycling and transit use, reduces vehicle miles traveled, and meets the City's street connectivity standards.
- (2) A coordinated system of striped bicycle lanes, on-street bicycle routes, and off-street bicycle paths shall be developed within the node.
- (3) Multi-family 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 developments shall front onto public and private streets with building entrances visible from the street.
- (5) Setbacks and building designs for multi-family developments shall promote privacy and compatibility with abutting lower intensity residential uses and historic properties.
- (6) Vehicle parking lots or areas shall not be located between buildings and adjacent public streets identified as pedestrian and transit corridors.
- (7) Commercial buildings shall be designed so as to stimulate the creation of high-quality pedestrian use areas.
- (8) Commercial buildings shall be designed with ground floor business entrances fronting on the primary pedestrian-oriented street and with street-facing facades that contain windows.
- (9) Commercial services are sized and located as a neighborhood center, to be compatible with surrounding residential uses and not unduly draw from a large region outside the nodal development area.
- (10) The development standards:
  - (a) Improve the quality and appearance of development in the city.
  - (b) Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
  - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
  - (d) Increase opportunities for use of alternative modes of transportation.
  - (e) Promote streetscapes that are consistent with the desired character of the various residential and commercial zones.
  - (f) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.

*(Section 9.3100, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003.)*

**9.3105** **S-CN Chase Node Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be included within the Chase Node area depicted on Map 9.3105 S-CN Chase Node Special Area Zone and Subareas. When a property is rezoned to S-CN, as part of the rezoning process the city shall identify the subarea designation applicable to the property. Within the S-CN Chase Node Special Area Zone, the 5 subareas are:

- (1) **S-CN/C (commercial);**
- (2) **S-CN/HDR/MU (high density residential mixed use);**
- (3) **S-CN/HDR (high density residential);**

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- (4) **S-CN/PL (public land); and**
- (5) **S-CN/PRO (park, recreation and open space).**

The applicable subarea shall be that shown on Map 9.3105 unless a different subarea designation is found to be consistent with EC 9.3100 Purpose of S-CN Chase Node Special Area Zone.

*(Section 9.3105, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003.)*

**9.3110 S-CN/PL Chase Node Public Land Subarea and S-CN/PRO Chase Node Park, Recreation and Open Space Subarea Regulations.** Land use and development within the S-CN/PL subarea shall be governed by the code sections applicable in the PL Public Land Zone. Land use and development within the S-CN/PRO subarea shall be governed by the code sections applicable in the PRO Park, Recreation and Open Space Zone.

*(Section 9.3110, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003.)*

**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.

<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
<b>Accessory Uses</b>			
Accessory Uses. <u>An example</u> includes storage and distribution incidental to the primary use of the site. Parking areas that are accessory to a primary use on the same development site shall comply with EC 9.2161(5).	P	P	P
<b>Agricultural Resource Production and Extraction</b>			
Horticultural Use. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.		P	P
Urban Animal Keeping, including pastureland (See 9.5250)		S	S
<b>Eating and Drinking Establishments</b>			
Bar and Tavern	P(6)	C(1)	
Delicatessen	P(6)	C(1)	
Restaurant	P(6)	C(1)	

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<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
Specialty Food and Beverage. <u>Examples</u> include a bagel, candy, coffee, donut or ice cream store. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(6)	C(1)	
<b>Education, Cultural, Religious, Social and Fraternal</b>			
Artist Gallery/Studio	P(6)	C(1)	
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P(6)	C(1)	
Church, Synagogue, and Temple, including associated residential structures for religious personnel	C(2)	C(2)	C(2)
Club and Lodge of State or National Organization	P	C(1)	
Community and Neighborhood Center	P	P	P
Library	P	P	
Museum	C		
School, Business or Specialized Educational Training (excludes driving instruction)	P	C(1)	
School, Driving (including use of motor vehicles)	P		
School, Elementary through High School	C	C	C
<b>Entertainment and Recreation</b>			
Amusement Center (Arcade, pool tables, etc.)	P(6)	C(1)	
Arena, Indoors	C	C	
Athletic Facility and Sports Club	P(6)	C	
Bowling Alley	C(6)		
Golf Course, Miniature Indoor	C(6)		
Park and Playground (refer to park, Recreation, and Open Space zone for examples of activities within this use)	P	P	P
Theater, Live Entertainment	C	C(1)	
Theater, Motion Picture	P(7)		
<b>Financial Services</b>			
Automated Teller Machine (ATM)	P	C(1)	
Bank, Savings and Loan Office, Credit Union	P(6)	C(1)	
<b>Government</b>			
Government Services not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include a fire station.	P	P	P



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<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
<b>Information Technology Services</b>			
Computer Networking (includes services and technical support center)	P(6)	C(8)	
E-commerce (includes on-site shipping via truck)	P(6)	C(8)	
E-commerce (excludes on-site shipping via truck)	P(6)	C(8)	
Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)	P(6)	C(8)	
Internet and Web Site (includes services and technical support center)	P(6)	C(8)	
Software Development (includes services and technical support center)	P(6)	C(8)	
<b>Lodging</b>			
Bed and Breakfast Facility (See EC 9.5100)		C	C
Homeless Shelter not in existence as of January 1, 1984	C		
<b>Manufacturing</b>			
Manufacturing is permitted if following standards are met: * No external air emissions requiring a permit from an air quality public agency. * All industrial activity completely enclosed within building. * Industrial uses limited to apparel, food and beverage, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in S-CN/C. * Each individual business is limited to 5,000 square feet of area exclusive of parking area.	P		
Recycling, reverse vending machine	P	P	S
Recycling, small collection facility (See EC 9.5650)	S	S	S
<b>Medical and Health Services</b>			
Blood Bank	P		
Clinic, or other Medical Health Treatment Facility (including mental health)	P	C(1)	
Drug Treatment Clinic - Non-residential	P(6)		
Laboratory, medical, dental, X-ray	P(6)		
Meal Service, Non-Profit	P(6)	C(2)	
Nursing Home		P	P
Plasma Center, must be at least 800 feet between Plasma Centers	P(6)		

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<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
Residential Treatment Center	P	P	P
<b>Motor Vehicle Related Uses</b>			
Transit, Neighborhood Improvement	P	P	P
Transit Park and Ride, Minor (See EC 9.3120(1)(g))	C	C	
Transit Station, Major	C	C	C
Transit Station, Minor	P	P	P
<b>Office Uses</b>			
Administrative, General and Professional Office	P(6)	P(1)	
Scientific and Educational Research Center, includes laboratory	P(6)	P(1)	
<b>Personal Services</b>			
Barber, Beauty, Nail, Tanning Shop	P(6)	P(1)	
Day Care Facility not associated with a residence	P(6)	P(1)	P(1)
Dry Cleaner	P(6)	P(1)	
Film, Drop-off/Pick-Up	P(6)	P(1)	
Locksmith Shop	P(6)	P(1)	
Laundromat, Self-Service	P(6)	P(1)	
Mailing and Package Service	P(6)	P(1)	
Shoe Repair Shop	P(6)	P(1)	
Tailor Shop	P(6)	P(1)	
<b>Residential</b>			
Dwellings (All dwellings shall meet minimum and maximum density requirements for development within the Chase Gardens Plan area.)			
One Family 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 standards in EC 9.5500.		S	S
Rowhouse (One-family on own lot attached to adjacent residence on separate lot)	P(3)(4)	P(3)(4)	P(3)(4)
Duplex (Two-family attached on the same lot)		P	P

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<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
Tri-plex (Three family attached on the same lot) (See EC 9.5500)		P	P
Four-plex (Four-family attached on the same lot) (See EC 9.5500)		S	S
Multiple Family (3 or more dwellings on the same lot) (See 9.5500)	S	S	S
Manufactured Home Park (See 9.5400)			P(5)
<b>Assisted Living &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>			
Assisted Living (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)		P	P
Assisted Living (6 or more people living in facility)		C	C
Day Care (3 to 12 people served (See EC 9.5200)	S	S	S
Day Care (13 or more people served)	C	C	C
Boarding and Rooming House		P	P
Campus Living Organization, including Fraternities and Sororities		P	P
Single Room Occupancy (SRO)	C	P	P
University and College Dormitories		P	P
<b>Trade (Retail and Wholesale)</b>			
Appliance Sales/Service	P(6)		
Bicycle Rental/Sales/Service	P(6)	P(1)	
Book Store	P(6)	P(1)	
Computer Store	P(6)	P(1)	
Convenience Store	P(6)	P(1)	
Drug Store (excluding Drug Treatment Centers)	P(6)	P(1)	
Electrical Appliance and Supplies	P(6)	P(1)	
Fabric Store	P(6)	P(1)	
Floor Covering Store	P(6)	P(1)	
Furniture and Home Furnishing Store	P(6)		
Garden Supply/Nursery	P(6)	P(1)	
General Merchandise, includes supermarket and department store	P(6)	P(1)	
Hardware/Home Improvement Store	P(6)		

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<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
Healthcare Equipment and Supplies	P(6)	P(1)	
Liquor Store	P(6)	P(1)	
Office Equipment and Supplies	P(6)	P(1)	
Plumbing Supplies	P(6)	P(1)	
Retail Trade when secondary, directly related, and limited to products manufactured, repaired or assembled on the development site	P(6)	P(1)	
Storage Facility, Household/Consumer Goods, enclosed		C	
Specialty Store ( <u>an example</u> includes a gift store)	P(6)	P(1)	
Toy and Hobby Store	P(6)	P(1)	
Video Store	P(6)	P(1)	
<b>Utilities and Communication</b>			
Amateur Radio Antennae Structure (See EC 9.5050)	S	S	S
Broadcasting Studio, Commercial and Public Education	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
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
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.	P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S	S	S
Water Reservoir, elevated above ground level	P	P	P
<b>Other Commercial Services</b>			
Building Maintenance Service	P(6)	P(1)	
Catering Service	P(6)	P(1)	
Collection Center, Collection of Used Goods (See EC 9.5150)	S(6)		
Home Occupation(See EC 9.5350)	S	S	S
Photographer's Studio	P(6)	P(1)	
Picture Framing and Glazing	P(6)	P(1)	

<b>Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements</b>			
<b>Land Use Type</b>	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
Printing, Blueprinting, and Duplicating	P(6)	P(1)	
Publishing Service	P(6)	P(1)	
Temporary Activity (See EC 9.5800)	S	S	
Upholstery Shop	P(6)	P(1)	
Veterinary Service	C(6)		

(Section 9.3115, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; amended by Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013.)

**9.3116 Special Use Limitation for Table 9.3115.**

**(1) Non-Residential Development Within S-CN/HDR/MU Zone.**

For development sites in areas abutting Garden Way, non-residential uses are conditionally permitted on the ground floor if all of the following standards are met:

- (a) The primary entrance shall be oriented towards Garden Way.
- (b) Each non-residential use shall be limited to a total of 2,500 square feet of floor area.
- (c) Maximum front yard setback shall be no greater than 20 feet.
- (d) For new and completely rebuilt buildings, no off-street parking shall be located between the front facade of any building and Garden Way.
- (e) In new developments, and developments with completely rebuilt buildings, 60% of the site frontage abutting Garden Way shall be occupied by a building within the maximum setback or by an enhanced pedestrian space. No more than 20% of the 60% may be an enhanced pedestrian space.
- (f) Building Entrances:
  1. All building sides that face an adjacent public street shall feature at least one customer entrance.
  2. Building sides facing two public streets may feature one entrance at the corner.
- (g) Ground floor walls shall contain windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows shall have sills at 30 inches or less above grade.
- (h) Except as provided for rowhouses, minimum residential density of 20 units per net acre shall still be met.

**(2) Churches, Synagogues and Temples.** These uses will be allowed only with a CUP and subject to the following standards:

- (a) Primary and accessory structures associated with the religious use are limited in size, at the ground floor, to no more than 10,000 square feet.
- (b) Minimum requirements for on-site parking are reduced to 1 parking space per 300 square feet of floor area.

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

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- (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.
- (5) **Manufactured Home Park**. The number of spaces designed for manufactured homes in the park shall comply with minimum residential density standards for the Chase Gardens Node.
- (6) **Business Size Limits in S-CN/C**. Except as provided herein, no single retail store, single retail tenant, or number of retail tenants sharing a common space shall occupy more than 20,000 square feet of building area within the same building. Notwithstanding this general rule, within the S-CN Special Area Zone, 1 store may occupy up to 50,000 square feet of building area in a single building if that store's primary use of building area is for grocery sales. The limitations of this subsection do not apply to offices or other non-retail uses, which may occupy more than 50,000 square feet of building area.
- (7) **Motion Picture Theater**. A motion picture theater must be a single screen or an accessory to other uses, such as a restaurant, live theater, or for private use.
- (8) **Information Technology Services and E-Commerce**. May not have more than 15 employees and customers on-site at any one time.
- (9) **Adjustment**. An adjustment may be made to the special use limitations in this section if consistent with the criteria in EC 9.8030(18).

*(Section 9.3116, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; and administratively corrected March 31, 2003.)*

**9.3120 Prohibited Uses in the S-CN Chase Node Special Area Zone**. The following uses are specifically prohibited in the S-CN Chase Node Special Area Zone:

- (1) **Motor Vehicle Related Uses**.
  - (a) Car washes.
  - (b) Parts stores.
  - (c) Recreational vehicle and heavy truck, sales/rental/service.
  - (d) Motor vehicle and motorcycle sales/rental/service.
  - (e) Service stations, includes quick servicing and automobile repair.
  - (f) Tires, sales/service.
  - (g) Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
  - (h) Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.
  - (i) Drive-through facilities.
- (2) **Trade (Retail and Wholesale)**.
  - (a) Agricultural machinery rental/sales/service.
  - (b) Boats and watercraft sales and service.
  - (c) Equipment, heavy, rental/sales/service.
  - (d) Manufactured dwelling sales/service/repair.
- (3) **Prohibition Not Exclusive**. The prohibited uses listed in subsections (1) and (2) of this section are not intended to be exclusive, and other uses may be

prohibited.

(Section 9.3120, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003.)

**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, the General Standards for All Development in section 9.6000 through 9.6885 apply within this zone. In the event of a conflict between those general development standards and the development standards in EC 9.3125 to 9.3126, the specific provisions of EC 9.3125 to 9.2126 shall control.
- (b) Adjustment. The development standards in subsections (2) and (3) of this section may be adjusted in accordance with EC 9.8030(18).
- (2) **Standards Applicable in C, HDR/MU and HDR Subareas.**
- (a) Transportation System.
1. Street Network. The location of streets shall conform to Map 9.3125(2)(a)1. S-CN Chase Node Special Area Zone Street Network.
  2. Access from Alleys.
    - a. If the site is served by an alley, an access for motor vehicles must be provided from the alley.
    - b. In cases where residential lots front on arterial or collector streets or on neighborhood parks, alley or local street access shall be provided.
- (b) Streetscapes.
1. Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedures, and rules issued thereunder.
  2. Structured Parking. Structured parking that abuts a street shall have at least 50 percent of the ground floor street frontage developed for office, retail, residential, or other pedestrian-oriented uses. This standard does not apply to parking facilities that are totally underground.
  3. On-Street Parking Allowance. On-street parking spaces that directly abut a development site can be used by the development on the site to satisfy a portion of the off-street parking requirements. If two properties abut a space, both properties may count the space toward their respective requirements. If on-street spaces are not marked, the number of spaces shall be determined by measuring the curb frontage in feet and dividing by 20 feet. The curb frontage shall exclude driveways and areas where parking is not permitted.
  4. Trash Pickup. Trash receptacles shall be served from the alley for all sites that abut an alley.
- (c) Building Appearance.
1. Exterior walls. Building facades shall be of low maintenance, weather resistant, abrasion resistant building materials such as: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, vertical board & batten siding, articulated architectural concrete

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masonry units (CMU), brick, textured concrete, stucco, synthetic stucco (EIFS), and textured concrete block. Nondurable building materials such as: plain concrete, plain concrete block, corrugated metal, and unarticulated board siding (e.g. T1-11 siding, plywood, sheet pressboard) are prohibited

- (d) Outdoor Lighting. Outdoor lighting shall comply with the Medium Ambient Light Standards in EC 9.6725.
  - (e) Improvements Between Buildings and Streets. The land between a building or exterior improvement and a street must be landscaped and/or paved with a hard surface for use by pedestrians. If hard-surfacing is provided, the area must contain pedestrian amenities such as seating areas, drinking fountains, and/or other design elements (such as public art, planters, and kiosks). The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this requirement. (See Figure 9.4530(8) Improvements Between Buildings and Streets in /TD Areas.)
- (3) Development Standards Applicable in Specific Subareas of the S-CN Zone.**
- (a) Parking Between Buildings and the Street in S-CN/C Subareas. Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and Garden Way or Marche Chase Drive.
  - (b) Roof Pitch in S-CN/HDR/MU Subareas. Residential buildings located directly east of properties listed on the National Registry of Historic Places and located within 50 feet of Garden Way must have gable, hip, or gambrel roof form appearance. For these properties, the minimum roof pitch is 7 inches of vertical rise for each 12 inches of horizontal width.
  - (c) Large Multi-Tenant Commercial Facilities in S-CN/C Subareas.
    - 1. Shopping Street. Site plans submitted for large multi-tenant commercial facilities (see EC 9.2175) shall recognize Garden Way as the primary shopping street. At least two drives (public or private) shall be shown making a connection between Garden Way and Marche Chase Drive.
  - (d) Building Facades and Ground Floor Windows in S-CN/C Subareas. The following standards apply to stand-alone commercial buildings and to mixed-use buildings with ground-floor commercial uses:
    - 1. Except for building walls that face an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to a height at least 3 feet above the sill with no other limits on the height of the window. The windows on any walls that require windows shall occupy at least 60 percent of the length of the ground floor wall area. On corner lots, this provision applies to both street frontage elevations. The transparency is measured in lineal fashion (e.g. a 100 foot wide building facade shall have a total of at least 60 lineal feet of windows). This standard shall not apply to parking structures. The bottom of required windows shall be no more than 4 feet above the finished grade at the front building facade.
    - 2. Darkly tinted windows and mirrored windows that block two-way



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- visibility are prohibited as ground floor windows.
3. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least 1 of the following:
    - a. Recesses, including entrances, of a minimum depth of 3 feet.
    - b. Extensions, including entrances, at a minimum depth of 3 feet.
    - c. Offsets or breaks in roof elevation of at least 3 feet in height.
  - (e) Residences Area Along Garden Way in S-CN/C Subarea. If residences are constructed on land abutting Garden Way, the development must meet the minimum residential density requirement in Table 9.3125(3)(g).
  - (f) Garden Way and Marche Chase Drive Development Standards in S-CN/C Subareas. The following development standards apply to commercial buildings adjacent to Garden Way and Marche Chase Drive:
    1. Building Orientation.
      - a. Buildings fronting on Garden Way or Marche Chase Drive must provide a main entrance on the facade of the building that is within the 15 foot maximum street setback facing the street. A main entrance is the principal entry through which people enter the building. Each commercial tenant, unless an accessory to the primary tenant, shall provide access through individual storefronts facing the street.
      - b. Buildings having frontage on more than one street may provide at least one main entrance oriented to the corner where two streets intersect, in lieu of 2 entrances, one facing each street.
    2. Parking Between Buildings and the Street. Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and Garden Way or Marche Chase Drive.
    3. All structures along Garden Way and Marche Chase Drive shall comply with EC 9.2173, Commercial Zone Development Standards- Large Commercial Facilities.
  - (g) The following Table 9.3125(3)(g) sets forth standards for specific subareas of the S-CN Zone, subject to the special development standards in EC 9.3126 Special Development Standards for Table 9.3125(3)(g).

<b>Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)</b>			
	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
<b>Minimum Net Density per Acre (1)</b>	20 units/acre if all residential in a single building	20 units (2)(b)	20 units (2)(a)
<b>Maximum Net Density per Acre</b>	112	112	112
<b>Minimum Building Height</b>	At least 2 functional floors if located along Garden Way		
<b>Maximum Building Height (3)</b>			

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<b>Table 9.3125(3)(g) S-CN Chase Garden Node                      Special Zone Development Standards                      (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)</b>			
	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
Main Building	50' commercial, 120' residential or residential above commercial	120' except (3); 35' or 2 stories within 50' of Garden Way	120'
Accessory Building. Includes Secondary Dwellings Detached from Main Building		30'	30'
<b>Minimum Front Yard Setbacks</b>			
Front Yard Setback - residential		10'	10'
Front Yard Setback - Garage and Carport		18'	18'
Front Yard Setback - Commercial	0'		
Front Yard Setback - Mixed Use	0'	0'	
Interior Yard Setback - Buildings fronting on Garden Way or Marche Chase Drive	0'	5' or minimum 10' between buildings	5' or minimum 10' between buildings
Interior Yard Setback - Detached Buildings	0 to 10' (See EC 9.2170(4)(c))	5' or minimum 10' between buildings	5' or minimum 10' between buildings
Front Yard Setback - Mixed Use Building with Ground Floor Commercial	0'	10'	
<b>Maximum Front Yard Setback</b>			
Commercial and/or Mixed Use Building fronting on Garden Way or Marche Chase Drive	15' (4)		
Residential Buildings with more than 100' of street frontage		60% of the building width must be placed within 10' of the minimum front yard setback	60% of the building width must be placed within 10' of the minimum front yard setback
Residential Building with less than 100' of street frontage		40% of the building width must be placed within 10' of the minimum front yard setback	40% of the building width must be placed within 10' of the minimum front yard setback
Building not fronting on Garden Way or Marche Chase Drive	0' (4)	40% of the building width must be placed within 10' of the minimum front yard setback	40% of the building width must be placed within 10' of the minimum front yard setback
<b>Maximum Lot Coverage</b>			
All Lots, Excluding Rowhouse Lots and Cottage Residential Lots		50% of lot	50% of lot
Rowhouse and Cottage Residential Lots		75% of lot	75% of lot

<b>Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)</b>			
	<b>C</b>	<b>HDR/MU</b>	<b>HDR</b>
<b>Fences - Maximum Height</b>			
Front Yard	(See EC 9.2170(6))	42 inches (See EC 9.2751(14))	42 inches (See EC 9.2751(14))
Interior Yard	(See EC 9.2170(6))	6' (See EC 9.2751(14))	6' (See EC 9.2751(14))

*(Section 9.3125, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; administratively corrected March 31, 2003; and administratively corrected March 10, 2005; amended by Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; amended by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)*

**9.3126 Special Development Standards for Table 9.3125(3)(g).**

- (1) Adjustment.** Except for minimum net density requirements, an adjustment may be made to the development standards in this section in accordance with EC 9.8030(18).
- (2) Minimum Density.**
  - (a) HDR Subarea. Applies to new residential development except rowhouses.
  - (b) HDR/MU Subarea. Applies to new development except rowhouses.
- (3) Special Residential Height Limitations.** Applies to all buildings within 50 feet of the Garden Way right-of-way that are directly facing properties listed on the National Registry of Historic Places.
- (4) Building Setbacks.** There is no minimum building setback. Where the site is adjacent to more than one street, a building is required to meet the maximum setback standard only on Garden Way or Marche Chase Drive.

*(Section 9.3126, added by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; and administratively corrected March 31, 2003.)*

## **S-DR Downtown Riverfront Special Area Zone**

9.3130

### **Purpose of S-DR Downtown Riverfront Special Area Zone.**

- (1) **Purpose.** The purpose of the Downtown Riverfront Special Area Zone (S-DR) is to support the creation of an active, vibrant, people place along Eugene's downtown riverfront that achieves an appropriate balance between redevelopment certainty and flexibility; to further economic development; to incorporate educational aspects; to support the appropriate enhancement of riverfront habitat; and to promote a mix of uses that complement and support existing downtown and riverfront uses.
  - (a) The intent of the S-DR Zone is to implement the vision of the EWEB Riverfront Master Plan and the goals, principles, standards, and guidelines of the Downtown Riverfront Specific Area Plan (SAP).
  - (b) S-DR Zone use regulations provide for a range of residential, commercial, employment, cultural, and recreational uses; support the development and an active, vibrant, people place; and compliment and support existing downtown and riverfront uses.
  - (c) S-DR Zone transportation system standards implement the street hierarchy and circulation framework in Figure 4-13 Street Pattern and Circulation in the Downtown Riverfront Specific Area Plan and the "Great Street" concept in the Eugene Downtown Plan.
  - (d) S-DR Zone parking requirements implement the parking strategy in the Downtown Riverfront Specific Area Plan and promote the development of an attractive, pedestrian-oriented neighborhood.
  - (e) S-DR Zone cultural landscape and open space requirements implement the open space program, habitat zones, and cultural landscape framework in Figure 4-23 in the Downtown Riverfront Specific Area Plan.
  - (f) S-DR Zone view corridor requirements implement the view corridors framework in Figure 4-4 in the Downtown Riverfront Specific Area Plan.
  - (g) S-DR Zone specific development standards implement the urban design guidelines in the Downtown Riverfront Specific Area Plan.
- (2) **Design Objectives.** The design objectives of the S-DR Zone are:
  - (a) Create a "people place" that is active, vibrant, accessible, and multi-use.
  - (b) Provide appropriate setbacks, deeper where environmental or habitat issues are critical, and shallower in other areas.
  - (c) Incorporate appropriate building and site design techniques that address environmental concerns.
  - (d) Include educational aspects that teach about the city, river, and history.
  - (e) Implement Nodal Development policies in the Eugene-Springfield Comprehensive Plan (Metro Plan).
  - (f) Implement the Growth Management policies adopted by the City of Eugene.
  - (g) Foster the redevelopment of a pedestrian-oriented, livable riverfront district consistent with the framework, essential features, and objectives of the Downtown Riverfront Specific Area Plan.

*(Section 9.3130 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3135 S-DR Downtown Riverfront Special Area Zone Subdistricts and Overlay Subdistricts.**

- (1) Subdistricts.** Within the S-DR Zone, the two subdistricts are:
  - (a) S-DR/MU (Mixed-Use).
  - (b) S-DR/CL (Cultural Landscape and Open Space).
- (2) Overlay subdistricts.** Overlay subdistricts provide special regulations and standards that supplement regulations and standards of the S-DR/MU subdistrict. Within the S-DR/MU Zone, the two overlay subdistricts are:
  - (a) S-DR/MU/1 (Active).
  - (b) S-DR/MU/2 (People).
- (3)** The boundaries of subdistricts and overlay subdistricts are shown on Figure 9.3135 S-DR Zone Regulating Plan.

Figure 9.3135 S-DR Zone Regulating Plan.



(Section 9.3135, including Figure 9.3135, added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)

**9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be included within the Downtown Riverfront area depicted on Figure 9.3135 S-DR Zone Regulating Plan. When a property is rezoned to S-DR as part of the rezoning process, the City shall identify the subdistrict designation applicable to the property,

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in accordance with EC 9.3135 S-DR Downtown Riverfront Special Area Zone Subdistricts and Overlay Subdistricts.

*(Section 9.3140 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3145 S-DR Downtown Riverfront Special Area Zone Permitted Uses.** The uses listed at EC 9.3145(1) through (8) are permitted in the S-DR Zone as specified below, except as limited at EC 9.3146 S-DR Downtown Riverfront Special Area Zone Prohibited Uses and EC 9.3147 S-DR Downtown Riverfront Special Area Zone Willamette Greenway Setback. Accessory uses as defined at EC 9.0500 are permitted.

- (1) Retail Sales and Service Uses.** Permitted as specified in (a) through (c) below. This category of uses refers to the sale, lease, or rent of products to the general public; personal services; entertainment; product repair; or services for consumer and business goods.
- (a) Retail Sales-Oriented. Permitted in S-DR/MU, S-DR/MU/1, and S-DR/MU/2. Examples include, but are not limited to:
1. Consumer home and business goods stores;
  2. Consumer vehicle stores (including passenger vehicles, motorcycles, light and medium trucks, boat and watercraft, bicycles, and other recreational vehicles) provided the activity is within a building;
  3. General merchandise stores (including supermarket and department stores).
- (b) Personal Service-Oriented. Permitted in S-DR/MU, S-DR/MU/1 (above ground floor only), and S-DR/MU/2. Examples include, but are not limited to:
1. Banks and credit unions;
  2. Business, arts, and other trade schools;
  3. Dance or music studios;
  4. Mail, photo, copy, and package services;
  5. Personal care services;
  6. Urgent medical care.
- (c) Entertainment-Oriented. Permitted in S-DR/MU, S-DR/MU/1, and S-DR/MU/2. Examples include, but are not limited to:
1. Artist galleries and studios;
  2. Health clubs, gyms, membership clubs, and lodges;
  3. Hotels, motels, and other temporary lodging;
  4. Indoor or outdoor entertainment activities (including pool halls, bowling alleys, ice rinks, and game arcades);
  5. Restaurants, cafes, delicatessens, taverns, and bars;
  6. Theaters.
- (2) Office Uses.** Permitted in S-DR/MU, S-DR/MU/1 (above ground floor only), and S-DR/MU/2 (above ground floor only). This category of uses refers to activities conducted in an office setting generally focused on business, professional, medical, or financial services. Examples include, but are not limited to:
- (a) Financial businesses (including lenders, brokerage houses, bank headquarters, and real estate agents);
- (b) Medical and dental clinics and laboratories;

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- (c) Professional services (including lawyers, accountants, engineers, architects, and planners);
  - (d) Sales offices;
  - (e) TV and radio studios.
- (3) Residential Uses.** Permitted in S-DR/MU, S-DR/MU/1 (above ground floor only), and S-DR/MU/2. This category of uses refers to the residential occupancy of a dwelling unit by one family. Tenancy is arranged for a minimum of 30 days or longer. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of temporary lodging and are listed under "Retail Sales and Service". Examples of residential uses include, but are not limited to:
- (a) Apartments and retirement center apartments (including those with accessory services such as food service, dining rooms, and housekeeping);
  - (b) Condominiums;
  - (c) Rowhouses.
- (4) Institutional Uses.** Permitted in S-DR/MU and S-DR/MU/2 (above ground floor only). This category of uses refers to activities of a public, nonprofit, or charitable entity, which provide a local service to the community. Generally, they provide the service on the site or have employees at the site on a regular basis. Examples include, but are not limited to:
- (a) Community centers;
  - (b) Daycare, preschools, and nursery schools;
  - (c) Government services;
  - (d) Libraries, museums, and interpretive centers;
  - (e) Municipal services (including drive-through facilities);
  - (f) Public and private schools, colleges, and universities;
  - (g) Religious institutions;
  - (h) Senior centers;
  - (i) Transit stations.
- (5) Manufacturing and Production Uses.** Permitted in S-DR/MU. This category of uses refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include, but are not limited to:
- (a) Breweries, distilleries, and wineries;
  - (b) Catering establishments;
  - (c) Processing of food and related products;
  - (d) Production of energy;
  - (e) Weaving or production of textiles or apparel;
  - (f) Woodworking (including cabinet makers).
- (6) Industrial Service Uses.** Permitted in S-DR/MU. This category of uses refers to the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include, but are not limited to:
- (a) Electric motor repair;
  - (b) Printing, publishing, and lithography;
  - (c) Research and development laboratories;
  - (d) Repair of scientific or professional instruments;
  - (e) Sales, repair, or storage for building, heating, plumbing or electrical contractors;



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- (7) **Parks and Open Space Uses.** Permitted in S-DR/MU, S-DR/MU/1, and S-DR/MU/2. Permitted in S-DR/CL subject to EC 9.3190 S-DR Downtown Riverfront Special Area Zone Design Review. This category of uses refers to natural areas; large areas consisting mostly of vegetative landscaping; outdoor recreation features or facilities; community gardens; public squares, plazas, or boardwalks used for public recreational activities; and areas having scenic, biological, or ecological significance identified for preservation or enhancement. Examples include, but are not limited to:
- (a) Parks, public squares, plazas, boardwalks, fountains, arboretums, trails, multi-use paths, gardens, and natural areas;
  - (b) Park furnishings (including play equipment, picnic tables, benches, bicycle racks, and interpretive signage);
  - (c) Park structures (including kiosks, gazebos, pavilions, picnic shelters, pergola, arbors, and restrooms);
  - (d) Green infrastructure (including infiltration planters, rain gardens, flow-through planters, vegetated swales, vegetated filter strips, and water quality ponds, basins, and wetlands).
- (8) **Utilities and Communications Uses.** Permitted in S-DR/CL and S-DR/MU. This category of uses refers to infrastructure services that include, but are not limited to:
- (a) Water, gas, sanitary sewer, storm sewer, electric, telephone, and cable service infrastructure;
  - (b) Pumping stations, underground transmission facilities, and substations;
  - (c) District heating and cooling systems (including geothermal wells);
  - (d) Related physical facilities that do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment, or material storage areas.

*(Section 9.3145 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3146 S-DR Downtown Riverfront Special Area Zone Prohibited Uses.** The following uses are not permitted in the S-DR Zone.

- (1) The following “Retail Sales and Service Uses” are not permitted.
- (a) Agricultural Machinery Rental;
  - (b) Casinos;
  - (c) Drive-through facilities, except as permitted at EC 9.3145(4)(e);
  - (d) Indoor firing ranges;
  - (e) Heavy Equipment Sales;
  - (f) Kennels;
  - (g) Mortuaries;
  - (h) Outdoor sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boat and watercraft, and other recreational vehicles;
  - (i) Recreational vehicle parks;
  - (j) Recycling or transfer stations (with the exception of small recycling center as defined at EC 9.0500);
  - (k) Taxidermists;
  - (l) Vehicle service such as motor vehicle repair, tires sales and service, gas station, or car wash.
- (2) The following “Residential Uses” are not permitted.
- (a) Detached single-family dwellings;

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- (b) Duplexes;
- (c) Manufactured housing.
- (3) The following "Institutional Uses" are not permitted.
  - (a) Cemeteries;
  - (b) Correctional facility.
- (4) The following "Manufacturing and Production Uses" are not permitted.
  - (a) Concrete batching and asphalt mixing;
  - (b) Feed lots;
  - (c) Lumber mills, pulp and paper mills, and other wood products manufacturing;
  - (d) Production of pre-fabricated structures (including manufactured homes;
  - (e) Slaughterhouses and meatpacking).
- (5) The following "Industrial Service Uses" are not permitted.
  - (a) Auto and truck salvage and wrecking;
  - (b) Exterminators;
  - (c) Fuel oil distributors;
  - (d) Heavy truck servicing and repair;
  - (e) Machine shops;
  - (f) Salvage or wrecking of heavy machinery, metal, and building materials;
  - (g) Solid fuel yards;
  - (h) Tire re-treading or recapping;
  - (i) Towing and vehicle storage;
  - (j) Truck stops;
  - (k) Welding shops.
- (6) The following "Parks and Open Space Uses" are not permitted.
  - (a) Camping;
  - (b) Community and neighborhood centers within with S-DR/CL subdistrict (permitted in the S-DR/MU subdistrict);
  - (c) Golf course (including driving range);
  - (d) Dwellings.
- (7) The following "Utilities and Communications Uses" are not permitted. Telecommunications facilities, except for telecommunications collocation and antenna, as defined at EC 9.0500 and in accordance with EC 9.5750, where applicable.

*(Section 9.3146 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

### **9.3147 S-DR Downtown Riverfront Special Area Zone Willamette Greenway Setback.**

- (1) In accordance with the requirements at EC 9.8815(5)(a), a setback line is established to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway as shown in Figure 9.3135 S-DR Zone Regulating Plan and on Exhibit 9 (Ordinance No. 20513).
- (2) Uses permitted in the S-DR/CL subdistrict listed at EC 9.3145(7) have been determined to be consistent with the establishment of the setback, are permitted within the setback, and are considered water-related or water-dependent activities.

*(Section 9.3147 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3148 S-DR Downtown Riverfront Special Area Zone Special Use Standards for Adaptive Reuse of Existing Buildings.**

- (1) For any alterations, expansions, or changes of use of the EWEB Headquarters, Steam Plant, Midgely's Building, and Operations Building/Warehouse, as identified on Figure EC 9.3135 S-DR Zone Regulating Plan, the General Standards for All Development at EC 9.6200 through EC 9.6255, EC 9.6400 through EC 9.6440, EC 9.6500 through EC 9.6505, EC 9.6700 through EC 9.6797, and EC 9.6800 through EC 9.6875 do not apply.
- (2) Alterations and expansion are limited to three additional stories, shall not exceed applicable maximum building height standards at EC 9.3155(3), shall not increase the existing building footprint more than 30 percent, and in no case shall encroach within the Willamette Greenway Setback for a use that is not water-related or water-dependent.
- (3) Minimum ground floor height standards at EC 9.3155(3) and outdoor storage standards at EC 9.3155(10) do not apply.

*(Section 9.3148 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3150 S-DR Downtown Riverfront Special Area Zone Lot Standards.**

- (1) **Lot Frontage Minimum.** Except for rowhouse lots, all lots within the S-DR Zone shall have a minimum lot frontage of 40 feet. Lot frontage minimums do not apply to rowhouse lots.
- (2) **Lot Depth Minimum.** Lots within the S-DR/MU/1 overlay subdistrict must have frontage on a public street and extend the full lot depth from the street to the property line.
- (3) **Design Review.** As an alternative to compliance with (1) and (2) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

*(Section 9.3150 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3155 S-DR Downtown Riverfront Special Area Zone General Development Standards (applicable to all property).**

- (1) **Application of Standards.** The Special Development Standards for Certain Uses at EC 9.5000 through 9.5350 and the General Standards for All Development at EC 9.6000 through 9.6885 apply within the S-DR Zone, except as provided in (9) and (14) below, and, except as provided at EC 9.3148 through EC 9.3185. In the event of a conflict, the provisions of EC 9.3148 to EC 9.3185 shall control.
- (2) **Setbacks (Building and Yard).** Unless otherwise specified at EC 9.3180 through EC 9.3185, there are no minimum front or interior yard setbacks for a building or structure.
- (3) **Building Height.** Minimum and maximum building heights shall be determined using Figure EC 9.3155(2) S-DR Zone Height Regulating Plan and Figures EC 9.3155(3)(a) through (g). In the event of a conflict between the written text and the figures, the figures shall control.
- (4) **Building Stepbacks.** Required building stepbacks in the S-DR Zone are shown on Figures EC 9.3155(3)(a) through (g) and on Figure 4-3 of the Downtown Riverfront Specific Area Plan. Stepbacks are measured from the front of the building facing a primary street and, where applicable, from the side of the building when abutting the S-DR/CL subdistrict.

- (5) **Building Orientation.** All buildings within the S-DR Zone shall be oriented to a public street, except when buildings cannot be oriented to the street due to less than required lot frontage, as specified at EC 9.3150(1). In this case, buildings may be oriented to a private street, which shall be developed in accordance with EC 9.3160.
- (6) **Building Entrances.** Buildings fronting on a street shown in Figure EC 9.3160(1) S-DR Zone Street Network must provide a main entrance on the facade of the building facing the street. A main entrance is the principal entry through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect.
- (7) **Building Projections.** Building projections such as bay windows and articulated balconies are permitted for no more than 50 percent of the length of the affected floor. No projection shall extend to more than 5 feet over the public right-of-way.
- (8) **Weather Protection.** Weather protection features such as canopies, awnings, or arcades shall be provided over at least the full width of all building entrances to a depth of at least 3 feet beyond the face of the building.
- (9) **Multiple-Family Standards.** The Multiple-Family Standards at EC 9.5500(1) through (14) are not applicable in the S-DR Zone, except for the following. The requirements at EC 9.5500(9)(a), (b), and (d) apply within the S-DR Zone.
- (10) **Outdoor Storage.** For non-residential development, no outdoor storage is permitted except for equipment used by an outdoor restaurant or cafe.
- (11) **Outdoor Lighting.** Outdoor lighting shall conform to standards specified at EC 9.6725 as indicated below:
  - (a) Notwithstanding any other provisions of this code, outdoor lighting of a building facade is permitted if provided in accordance with the standards for a building of exceptional symbolic or historic significance (refer to EC 9.6725(13)).
  - (b) Outdoor lighting in the S-DR/MU subdistrict shall conform to standards specified at EC 9.6725(8)(c) – Medium Ambient.
  - (c) Outdoor lighting in the S-DR/CL subdistrict shall conform to standards specified at EC 9.6725(8)(a) – Low Ambient.
- (12) **Delivery and Loading Areas.** All delivery and loading areas in the S-DR/MU subdistrict shall meet the following standards.
  - (a) Maneuvering and circulation related to delivery and loading is not permitted between the street and the portion of a building used to comply with building setback requirements.
  - (b) All loading spaces shall be off the street, shall be in addition to required motor vehicle parking spaces, and shall be served by service drives, alleys, private accessways, or maneuvering areas so that no backward movement or other vehicle maneuvering within a street will be required.
  - (c) All off-street loading spaces shall be on interior service courts, alleys, or screened from view from all adjacent property lines according to EC 9.6210(4) High Wall Landscape Standards (L-4).
  - (d) The above standards do not apply to development in the S-DR/MU/1 overlay subdistrict.
- (13) **Signs.** Signs shall conform to standards specified at EC 9.6670 Central Commercial.

- (14) **Pedestrian Circulation.** The provisions of EC 9.6730(3)(c) do not apply within the S-DR Zone.
- (15) **Structured Parking.** One percent of the total cost of the structure must be used to include public art as a component of the parking structure. Public art used to comply with this standard shall be located on the exterior of the parking structure. Compliance with this standard shall be demonstrated at the time of building permit.
- (16) **View Corridor Requirements.** To ensure that development provides view corridors in those areas identified on Figure 4-4 of the Downtown Riverfront Specific Area Plan, in addition to compliance with other applicable standards of the S-DR Zone, development shall comply with the following:
  - (a) Sky-bridges, pedestrian walkways, and similar elements that connect buildings are permitted encroachments within view corridors.
  - (b) Permitted encroachments shall be consistent with the minimum dimensions shown in Figure 9.3155(1) S-DR Zone Encroachments.
- (17) **Prior Developed Areas.** The standards and requirements at EC 9.4900 through EC 9.4980 do not apply to prior developed areas pursuant to EC 9.4920(5) as identified on Exhibit 9 (Ordinance No. 20513) that remain consistent with the Downtown Riverfront Specific Area Plan.

**Figure 9.3155(1) S-DR Zone Encroachments.**

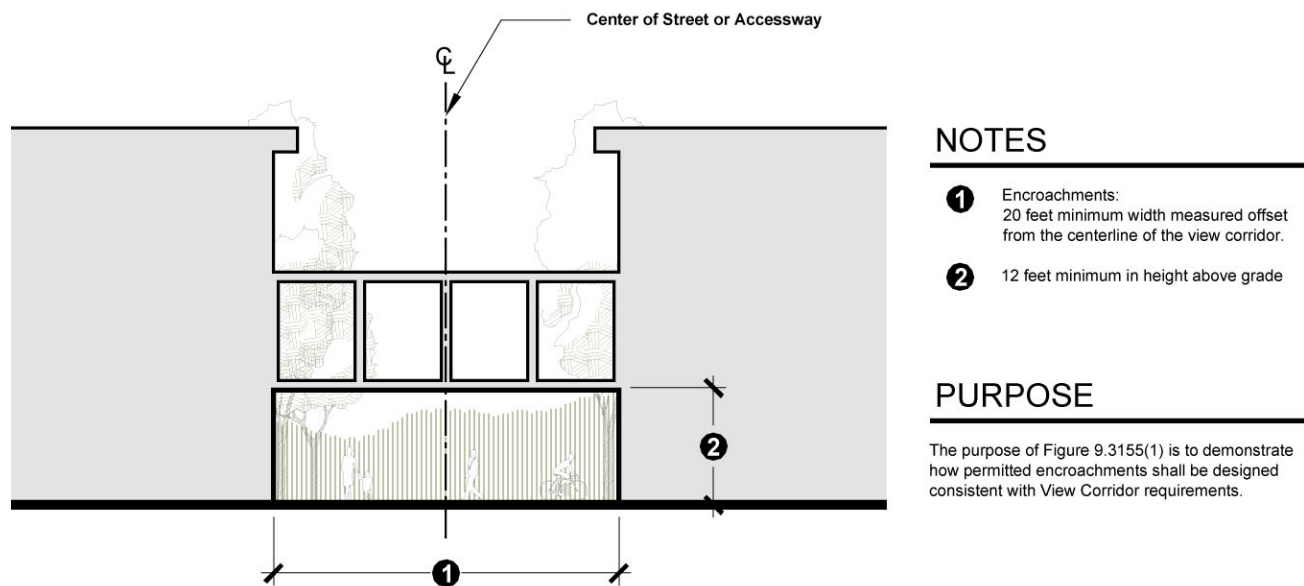


Figure EC 9.3155(2) S-DR Zone Height Regulating Plan.

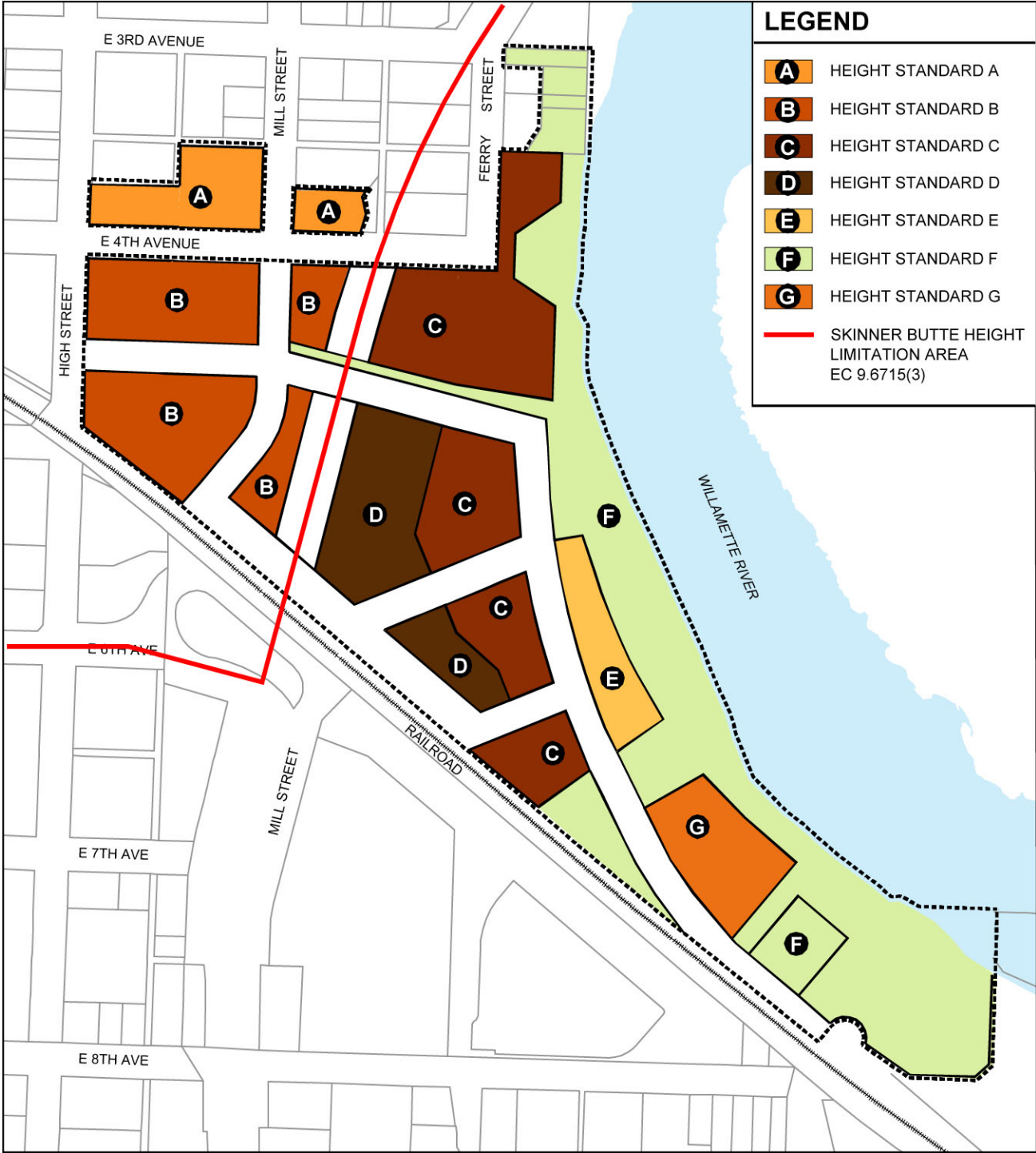






Figure 9.3155(3)(a) S-DR Zone Height Standard "A".  
The height limitations in EC 9.3915(7) apply.

Figure 9.3155(3)(b) S-DR Zone Height Standard “B”.

**KEY**

---

-  Build-to line (BTL)
-  Property Line
-  Maximum building envelope
-  Minimum building envelope

- 1** Buildings shall be a maximum elevation of **500** feet above sea level.
- 2** Buildings shall be a minimum of three stories; with **50** percent of the building footprint allowed to be one story.
- 3** The ground floor height shall be a minimum of **14** feet measured from floor to floor.

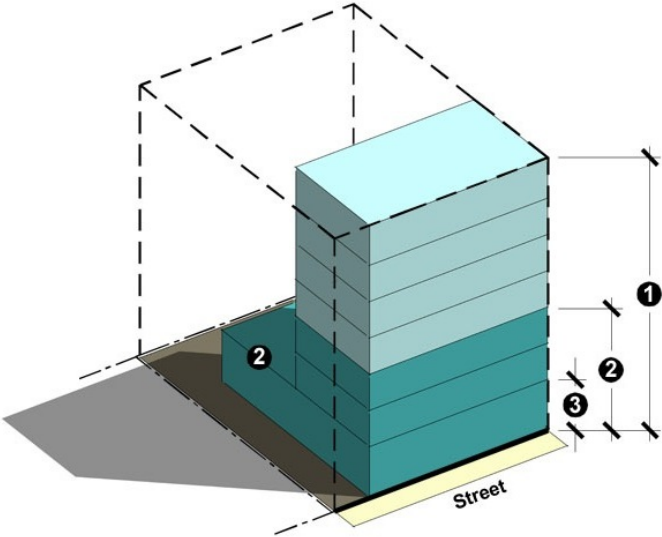






Figure 9.3155(3)(c) S-DR Zone Height Standard “C”.

**KEY**

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-  Build-to line (BTL)
-  Property line
-  Maximum building envelope
-  Minimum building envelope

- 1** Buildings shall be a maximum height of **80** feet.
- 2** Buildings shall be a minimum of three stories; with **50** percent of the building footprint allowed to be one story.
- 3** The ground floor height shall be a minimum of **14** feet measured from floor to floor.
- 4** A minimum **10-foot** setback is required above **60** feet, measured from the front of the building facing a primary street.

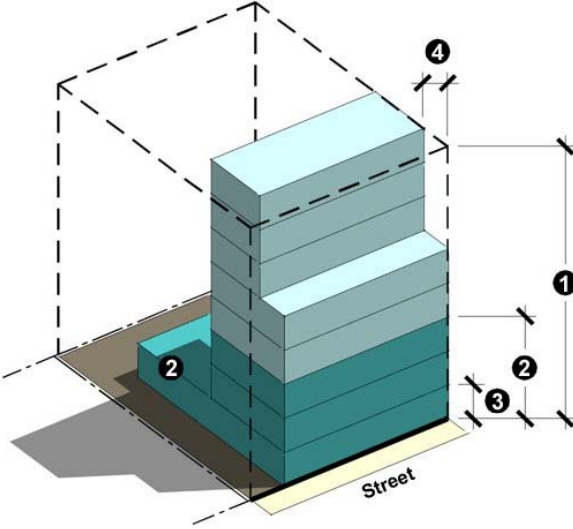






Figure 9.3155(3)(d) S-DR Zone Height Standard "D".

- KEY**
-  Build-to line (BTL)
  -  Property line
  -  Maximum building envelope
  -  Minimum building envelope
- 1** Buildings shall be a maximum height of **120 feet** with Bulk Controls.
  - 2** Buildings shall be a minimum of four stories, with the exception of buildings containing residential uses, which shall be a minimum of three stories; with **50 percent** of the building footprint allowed to be one story.
  - 3** The ground floor height shall be a minimum of **14 feet** measured from floor to floor.
  - 4** A minimum **10-foot** setback is required above **50 feet**, measured from the front of the building facing a primary street. For buildings less than **80 feet** in height, the setback standards in Figure 9.3155(3)(c) apply.
  - 5** **8,000 SF** Maximum Footprint Bulk Control applies to buildings taller than **80 feet** in height.

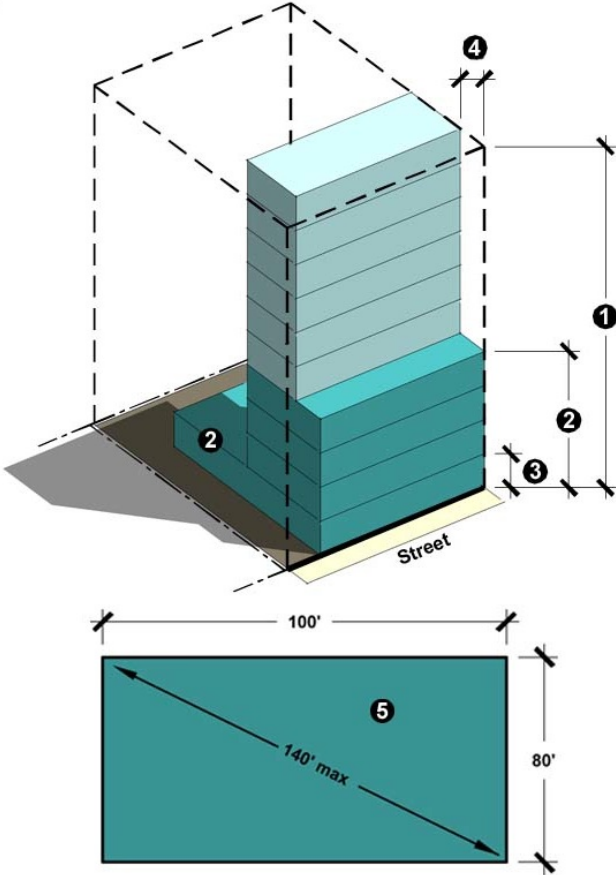






Figure 9.3155(3)(e) S-DR Zone Height Standard “E”.

**KEY**

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— Build-to line (BTL)  
 - - - Property line

 Maximum building envelope

 Minimum building envelope

① Residential Uses: Maximum height of **38** feet.  
Non-residential Uses: Maximum height of **30** feet.

② Buildings shall be a minimum height of **14** feet.

③ The ground floor height shall be a minimum of **14** feet as measured from floor to floor.

④ Rooftop trellises or weather protection may project a maximum of **10** feet above the maximum building height.

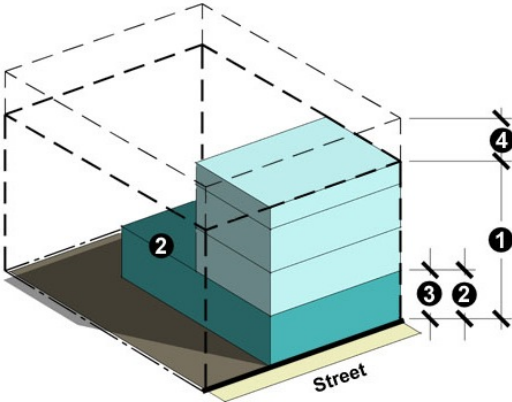



Figure 9.3155(3)(f) S-DR Zone Height Standard “F”.

**KEY**

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- - - Property line

 Maximum building envelope  
 No Minimum

① Buildings shall be a maximum height of **30** feet.

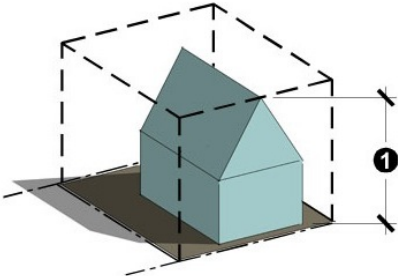






Figure 9.3155(3)(g) S-DR Zone Height Standard “G”.

**KEY**

-  Build-to line (BTL)
-  Property line

 Existing building envelope

 Building addition envelope

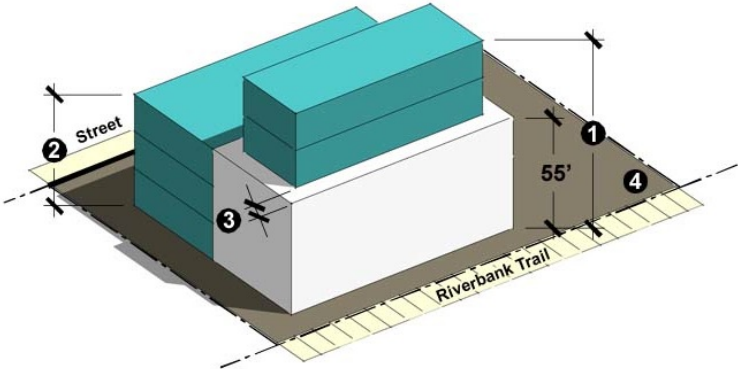
**1** Within the existing building footprint, additions shall be a maximum height of **75** feet.

**2** Outside the existing building footprint, additions shall be a maximum height of **55** feet.

**3** A **5** foot minimum setback is required above **55** feet, measured from all sides of the existing building.

Upon demolition of the Steam Plant  
The following standards apply:

**4** New development shall be a maximum height of **55** feet.  
The standards at EC 9.3180(2) are not applicable.



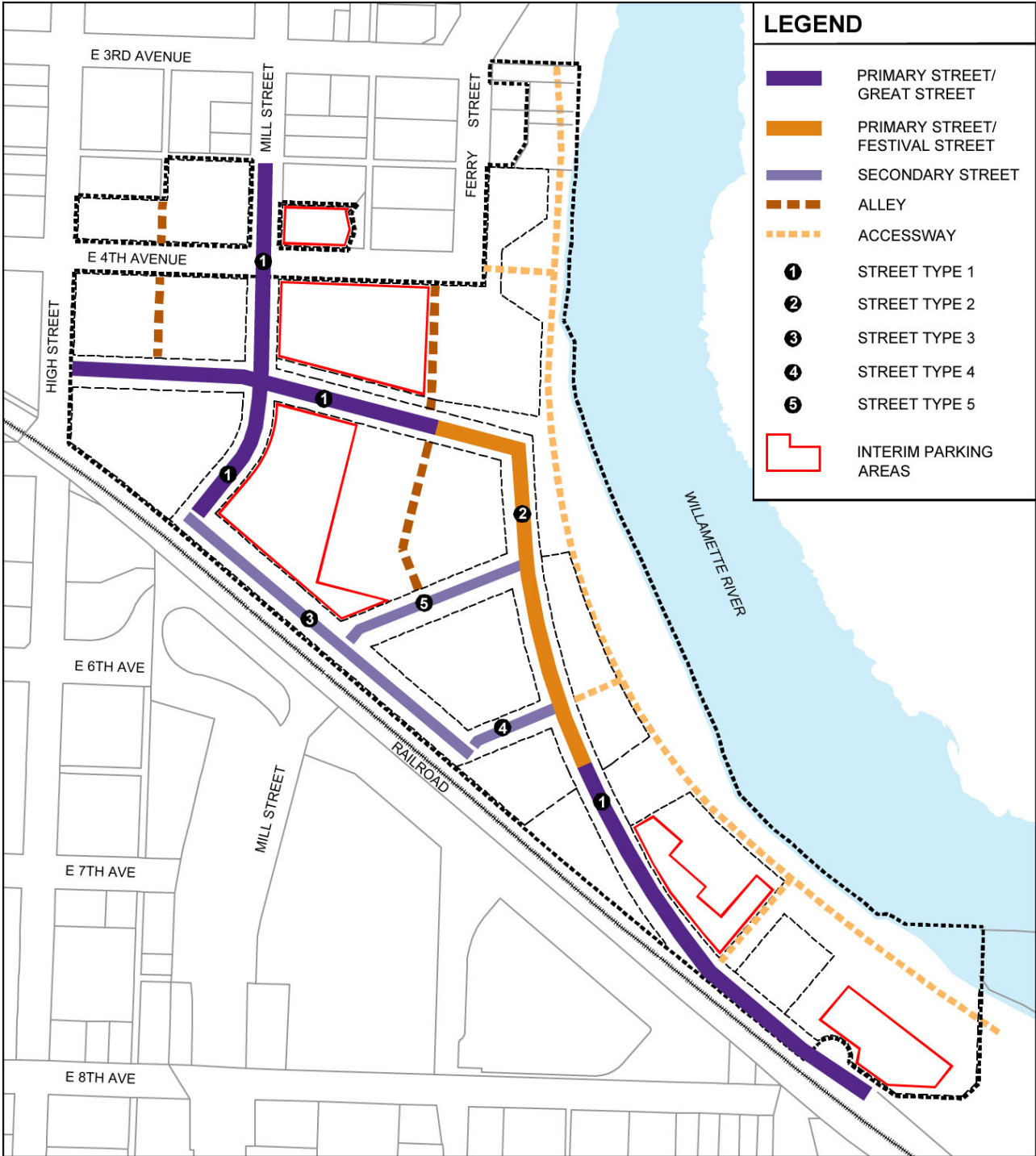
*(Section 9.3155, including 9.3155 Figures, added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3160 S-DR Downtown Riverfront Special Area Zone Transportation System Standards.**

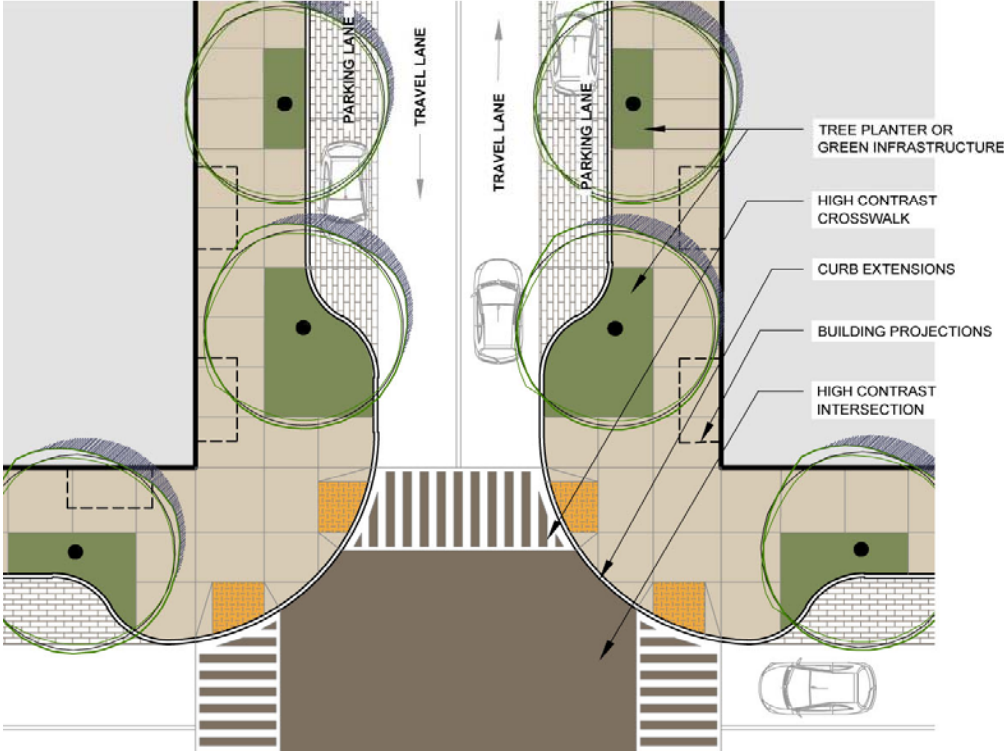
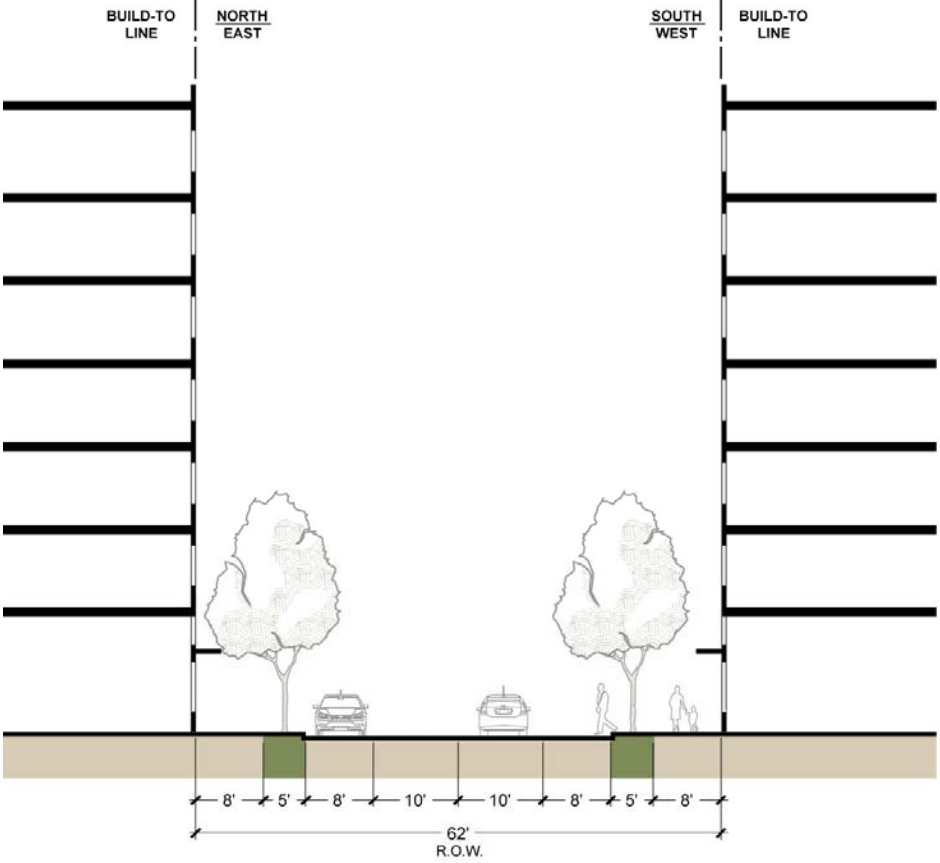
- (1) **General Application of Standards.** Transportation facilities shall be located and constructed to standards at EC 9.6505 and EC 9.6800 through 9.6875, unless otherwise specified herein. In the event of a conflict between standards, the specific standards at EC 9.3160 shall control.
- (2) **Transportation Network.** The Street Connectivity Standards at EC 9.6815 do not apply in the S-DR Zone. The location of streets, alleys, and accessways shall be consistent with Figure EC 9.3160(1) S-DR Zone Street Network. The following requirements shall guide the location and design of streets within the S-DR Zone.
  - (a) The planned Great Street/Festival Street shall connect to High Street, in a location at least 100 feet north of the railroad tracks, and the planned at-grade railroad crossing at the extension of 8<sup>th</sup> Avenue to form a continuous great loop.
  - (b) The planned Mill Street shall be extended through the S-DR Zone to connect with the planned street adjacent to the Railroad line.
  - (c) The planned Secondary Street adjacent to the Railroad line shall connect to the planned extension of Mill Street and the planned street connection to the Festival Street, or extend itself to the Festival Street.
  - (d) A minimum of one street shall connect the planned street adjacent to the Railroad line with the Festival Street.
  - (e) Mid-block public alleys or accessways shall be provided, as conceptually shown on Figure 9.3160(1) S-DR Zone Street Network, for access to properties fronting streets or public open space.
- (3) **Street Classifications.** Except for alleys and accessways, all streets in Figure EC 9.3160(1) S-DR Zone Street Network are classified as public local commercial-industrial streets.
- (4) **Minimum Street Rights-of-Way and Street Design Standards.** The Street Width Standards at EC 9.6870 do not apply in the S-DR Zone.
  - (a) Street right-of-way must be the minimum width indicated in Figures EC 9.3160(2)(a) through (e).
  - (b) Streets shall be constructed as indicated in Figures EC 9.3160(2)(a) through (e).
  - (c) Streets shall include on-street parking as indicated in Figures EC 9.3160(2)(a) through (e).
  - (d) Stormwater runoff from streets shall be treated by curbside green infrastructure systems identified at EC 9.3145(7)(d).
  - (e) Curb extensions shall be provided at street intersections and mid-block crossings.
  - (f) Street trees shall be provided at a minimum spacing of 25 feet on center.
  - (g) Curb cuts other than required for alleys or accessways along the planned Great Street/Festival Street are prohibited unless the curb cut provides access to the Steam Plant.
- (5) **Alleys.** Alleys shall have a minimum width of 14 feet and a maximum width of 20 feet.
- (6) **Accessways.** Accessways shall have a minimum width of 10 feet and a maximum width of 12 feet.

(7) **Design Review.** As an alternative to compliance with (2), (4), (5), and (6) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

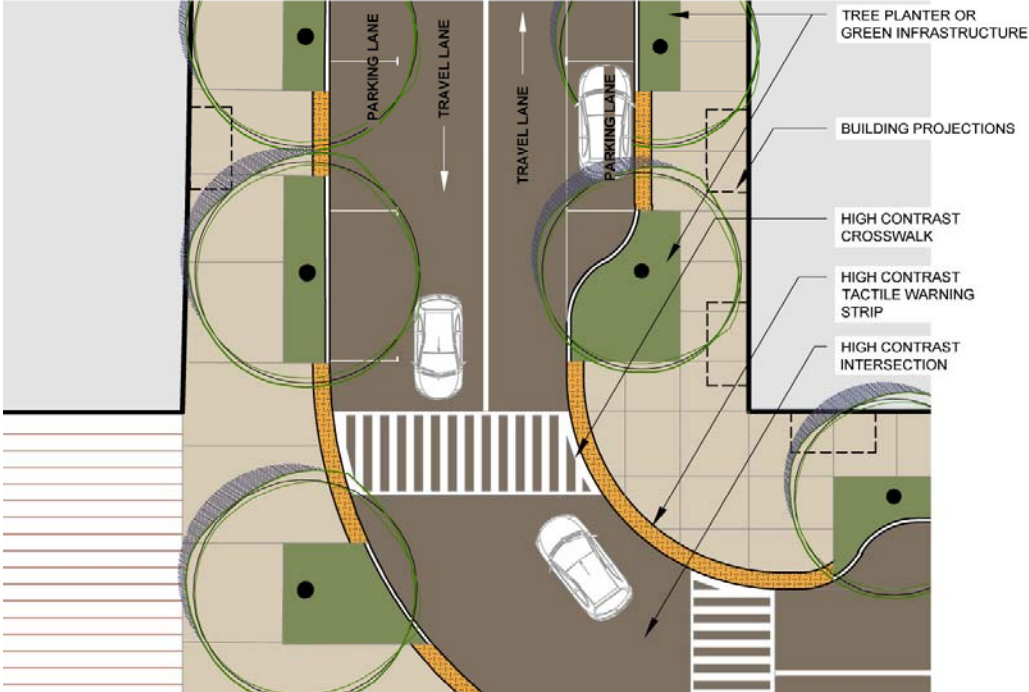
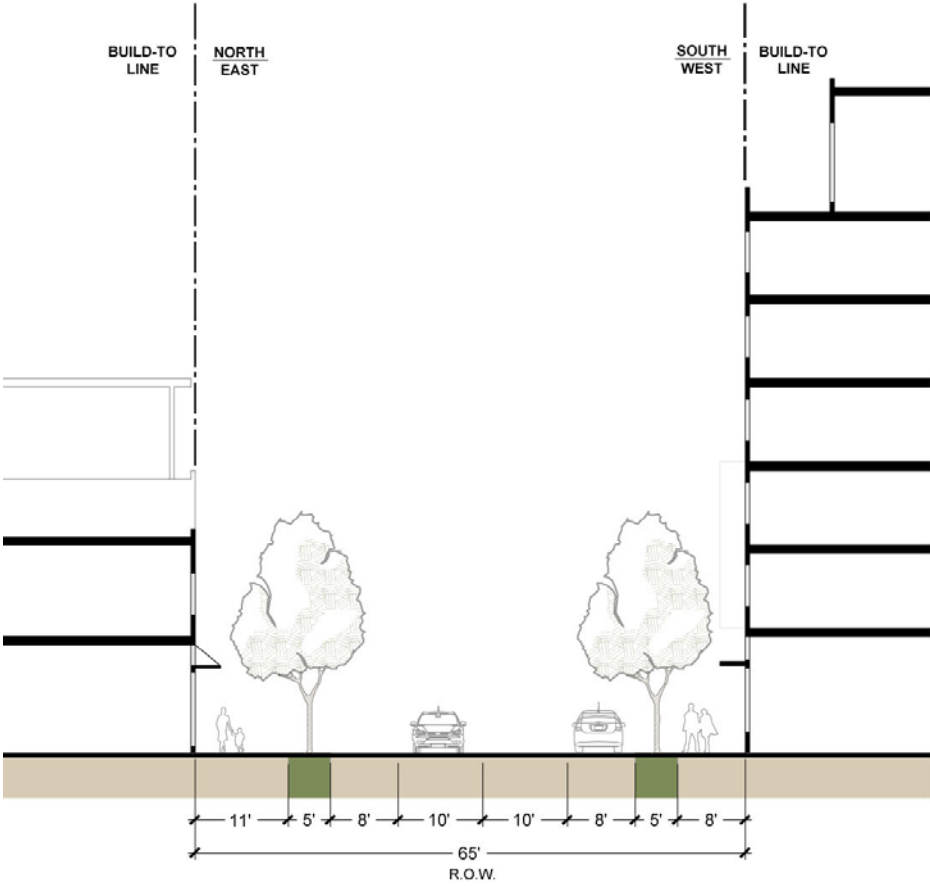
Figure 9.3160(1) S-DR Zone Street Network.



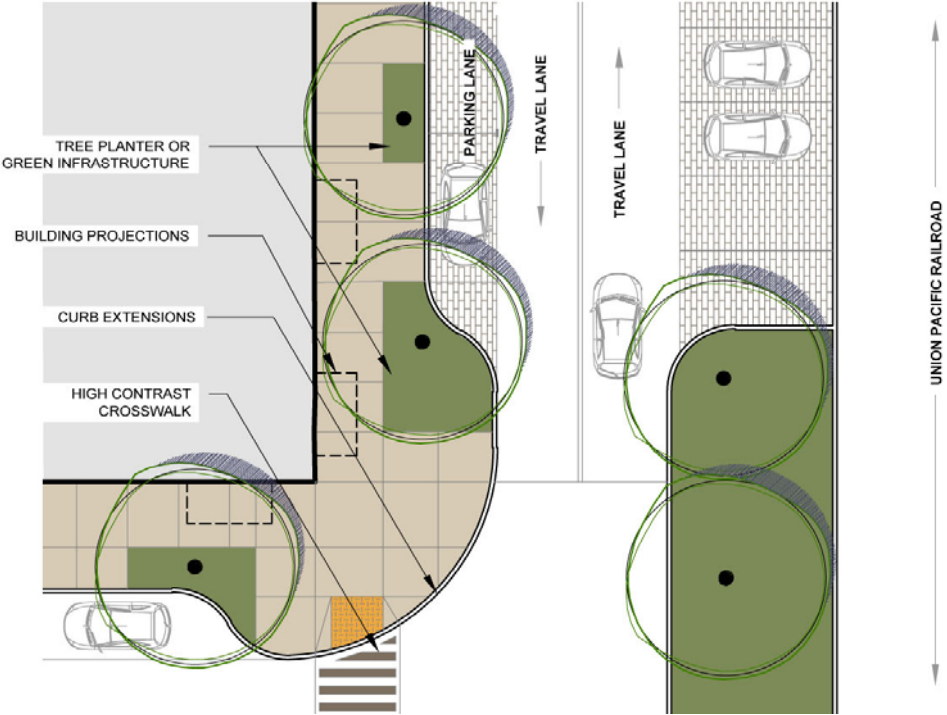
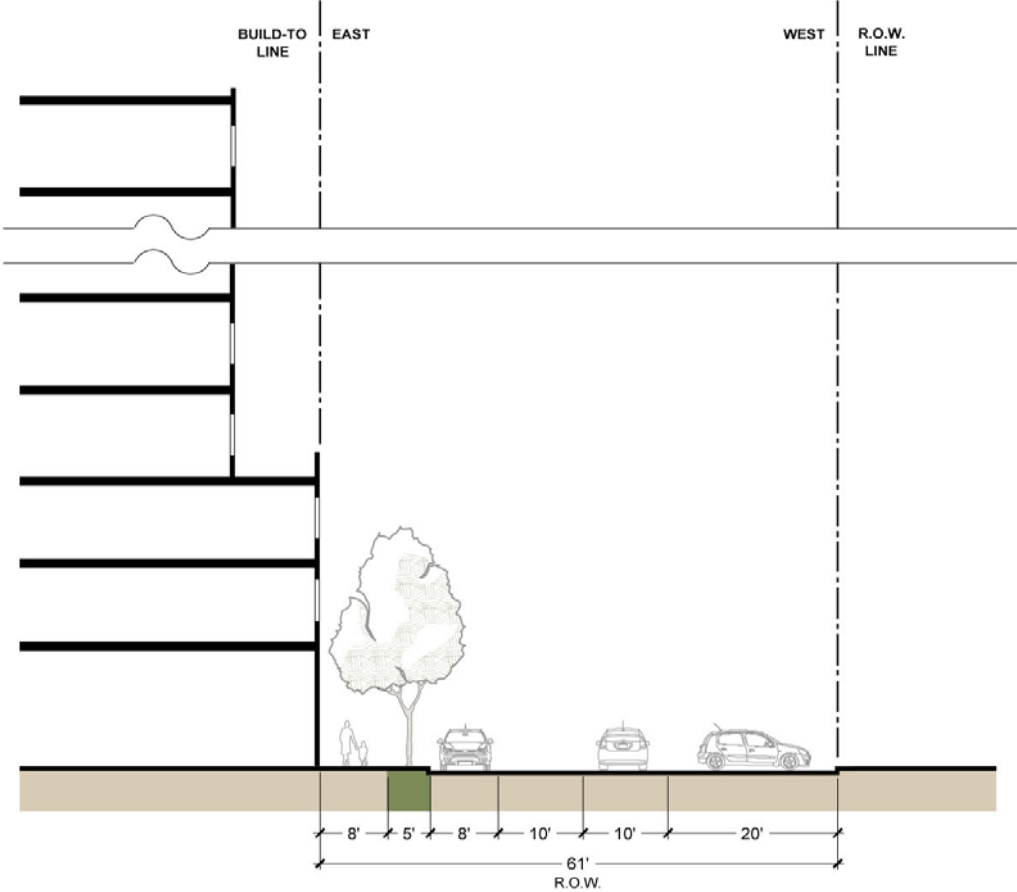
Figures 9.3160(2)(a) S-DR Zone Street Type 1.



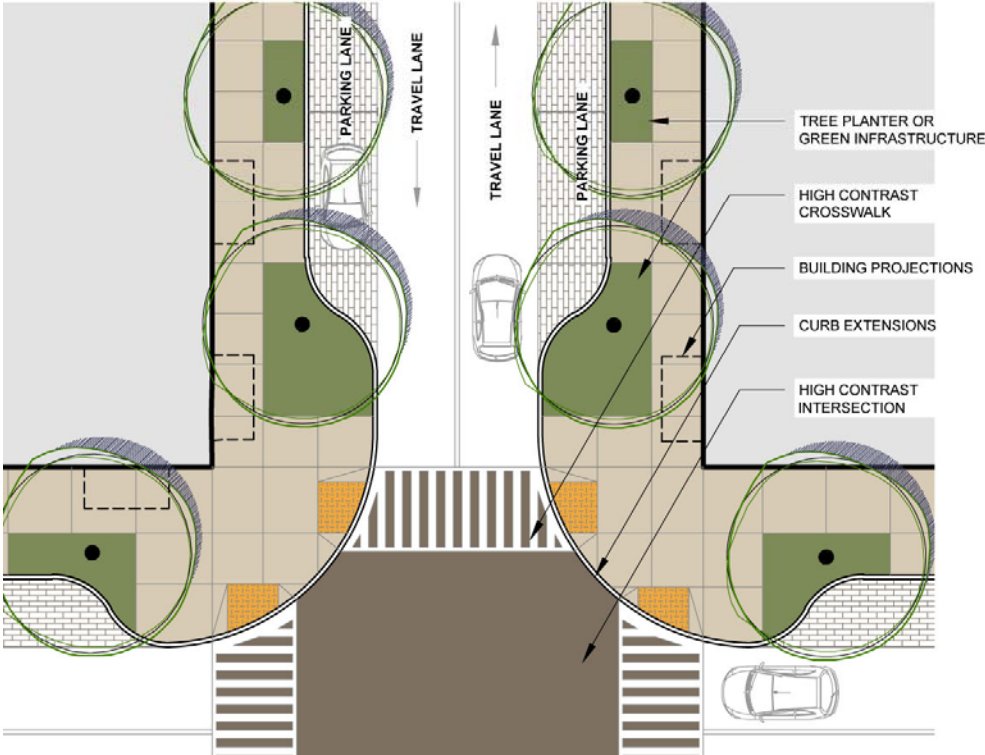
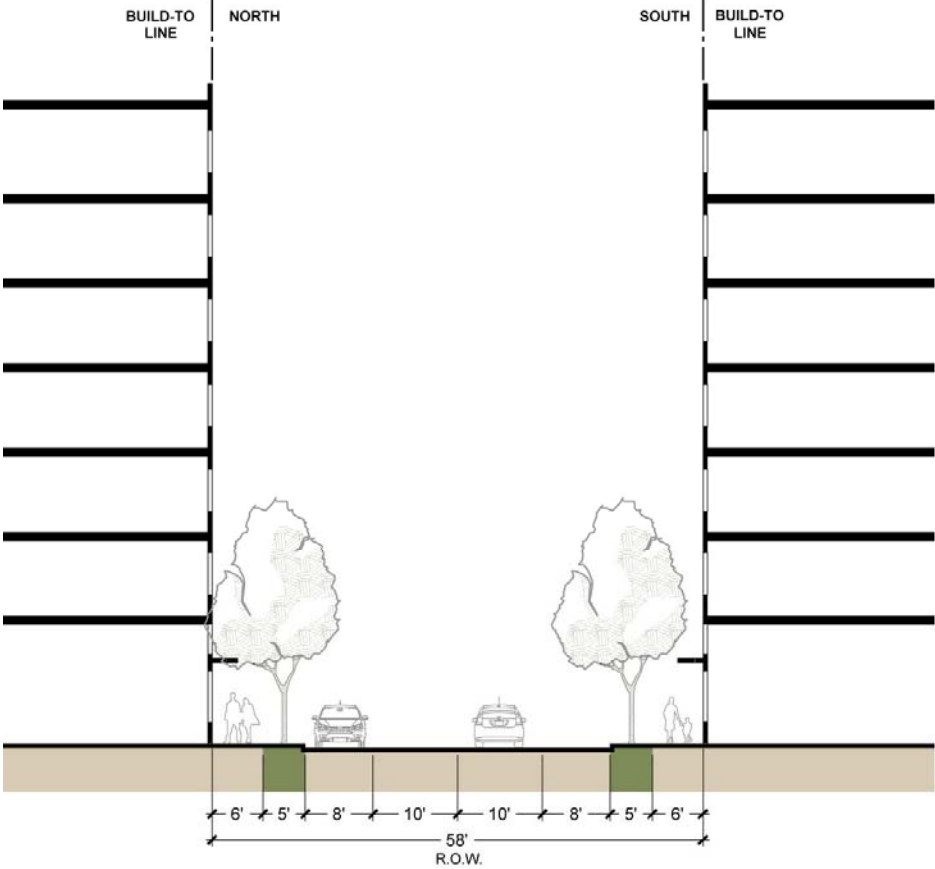
Figures 9.3160(2)(b) S-DR Zone Street Type 2.



Figures 9.3160(2)(c) S-DR Zone Street Type 3.

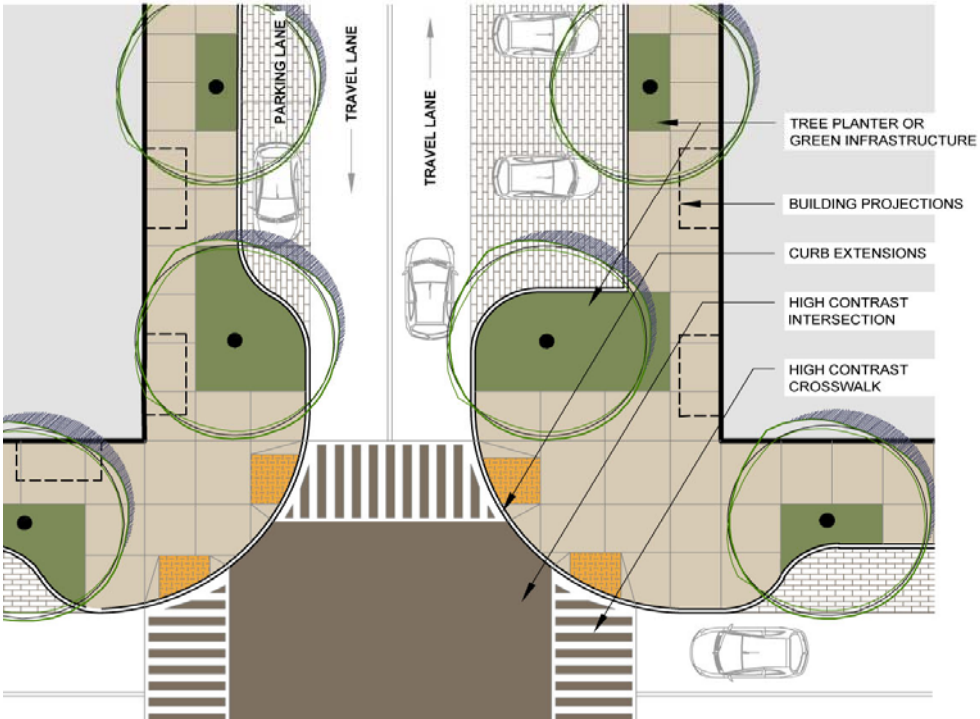
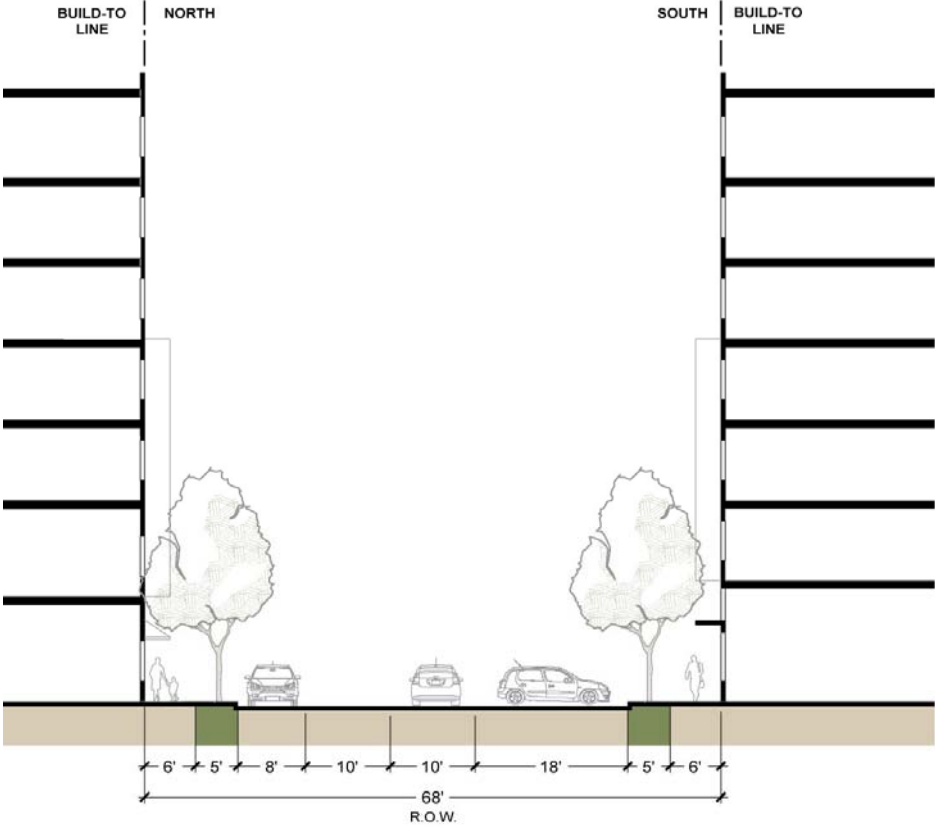


Figures 9.3160(2)(d) S-DR Zone Street Type 4.





Figures 9.3160(2)(e) S-DR Zone Street Type 5.



(Section 9.3160, including 9.3160 Figures, added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)

**9.3165 S-DR Downtown Riverfront Special Area Zone Parking Requirements.**

**(1) Required Off-Street Motor Vehicle Parking.** Within the S-DR Zone, the minimum and maximum parking standards in Table EC 9.3165(1) apply instead of the standards in Table EC 9.6410.

<b>Table 9.3165(1) S-DR Motor Vehicle Parking Requirements</b>		
<b>Use</b>	<b>Minimum Number of Off-Street Parking Spaces</b>	<b>Maximum Number of Off-Street Parking Spaces</b>
<b>Residential</b>	Except as permitted through Design Review pursuant to EC 9.3190, the minimum number of required parking spaces shall be 0.75 parking spaces per dwelling unit.	Except for required parking spaces for persons with disabilities, a maximum of 2.25 parking spaces are allowed per dwelling unit.
<b>Non-Residential</b>	No minimum	Except for required parking for persons with disabilities, and spaces within structured parking with two or more levels, the maximum number of parking spaces is 1 parking space per every 250 square feet of gross floor area.

- (a) Location of Required Off-Street Parking. Required off-street parking shall be located on the development site, anywhere within the S-DR Zone boundary, or within ¼ mile (or 1,320 feet) of the S-DR Zone boundary, in accordance with EC 9.6410(1)(a).
- (b) Location of On-Site Surface Parking. On-site surface parking must be located at the rear of the building or, in the absence of alley access or a shared private alley, to the side of the building.
- (c) Maximum Number of On-Site Surface Parking Spaces. New on-site surface parking areas are limited to 6 spaces total. On-street parking spaces within the public right-of-way and on-site parking spaces for persons with disabilities shall not be counted towards this requirement. Underground, structured, courtyard, and podium parking areas are exempt from this requirement.
- (d) Siting and Design. The provisions at EC 9.6415(2); EC 9.6420(1), (2), (3)(a), (3)(b), (3)(e), (4), (5), and (6), apply to the siting and design of parking and loading facilities in the S-DR Zone.
- (e) Parking Access. Parking access shall be from an alley. In the absence of an existing or proposed alley, access may be from a secondary street. In the absence of an alley or secondary street, access may be from the front or side of the property. Access must be consistent with the below requirements.
  1. Driveways and access connections shall be no more than 20 feet wide.
  2. No more than one access connection per tax lot per street frontage shall be allowed except as provided at EC 7.410.

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3. Driveways and access connections are not permitted within 50 feet of any intersection of two or more streets, as measured from the nearest property corner abutting the intersection.
- (f) **Parking Area Landscaping.** The parking area landscaping standards at EC 9.6205 and EC 9.6420(3) apply to off-street parking areas in the S-DR Zone, except the parking area standards at EC 9.6420(3)(c), which are not applicable in the S-DR Zone. All surface parking areas shall have a landscaped bed around the perimeter measuring 5 feet in width and landscaped to a minimum of the L-2 standard.
- (2) **Interim Parking.** Uses permitted in the S-DR Zone in accordance with EC 9.3145 may use interim parking areas shown on Figure EC 9.3160(1) S-DR Zone Street Network. Interim parking areas are exempt from the requirements at EC 9.6420(3) through (4) and EC 9.6791 through EC 9.6797 until a new use is permitted within the subject area.
- (3) **Bicycle Parking.** The minimum and maximum parking standards in Table EC 9.3165(3) apply instead of the standards in Table 9.6105(4).

<b>Table 9.3165(3) S-DR Bicycle Parking Requirements</b>			
<b>Use</b>	<b>Minimum Number of Bicycle Parking Spaces</b>	<b>Maximum Number of Bicycle Parking Spaces</b>	<b>Type and % of Bicycle Parking</b>
<b>Residential</b>	1.5 per dwelling.	No maximum.	10% long term 90% short term
<b>Non-Residential</b>	1 per 2,000 square feet of floor area.	No maximum.	25% long term 75% short term

*(Section 9.3165 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3170 S-DR Downtown Riverfront Special Area Zone Landscape Requirements.**

- (1) Developments must conform to landscaping requirements at EC 9.6205 through 9.6255, except as provided at subsection (2) below.
- (2) Enhanced pedestrian amenities and urban plazas (as defined at EC 9.0500) may be provided in lieu of landscaping, except that shade trees are still required at the ratio of one tree for every 250 square feet of urban plaza area.

*(Section 9.3170 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.3175 S-DR Downtown Riverfront Special Area Zone Open Space Requirements.**

- (1) Multi-family development sites shall include a minimum of 400 square feet of common open space with no minimum dimension of the open space less than 15 feet.
- (2) Either 10 percent of the development site or 10 percent of the livable floor area, whichever is greater, shall be provided as open space on the development site.
- (3) Up to 50 percent of the required open space under subsections (1) and (2) above may be provided on the development site through the provision of private open space, such as balconies, porches, patios, and eco-roofs.

*(Section 9.3175 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

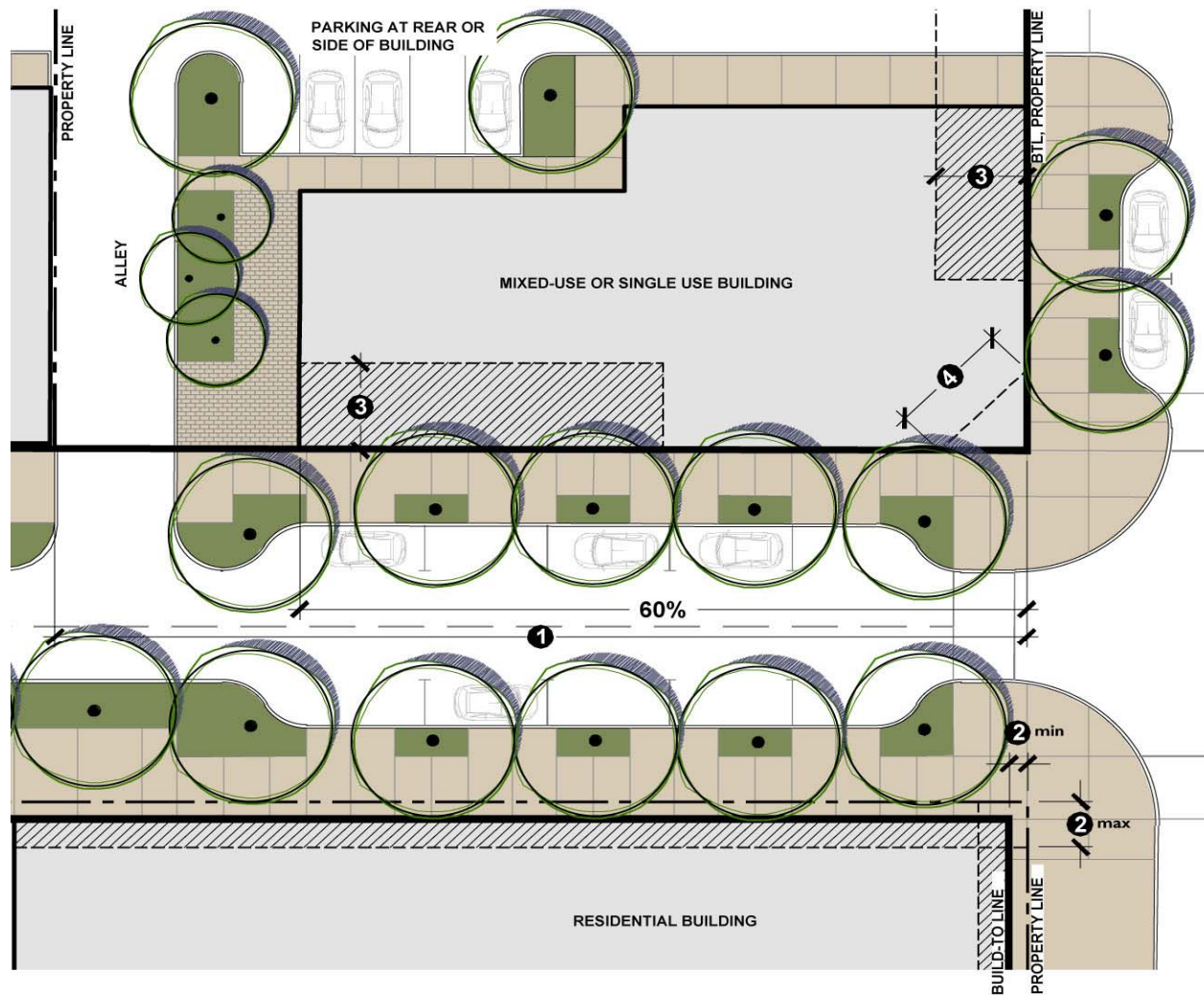
**9.3180 S-DR/MU Downtown Riverfront Special Area Zone Mixed-Use Subdistrict  
Specific Development Standards.**

- (1) **Applicability.** The standards in this section apply to areas shown on Figure 9.3135 S-DR Zone Regulating Plan as S-DR/MU, S-DR/MU/1, and S-DR/MU/2, except as provided in EC 9.3181 and EC 9.3182.
- (2) **Specific Development Standards.**
  - (a) **Build-to Lines and Setbacks.**
    1. Buildings shall face the street and the first two stories shall not be set back from the front property line, except for the following:
      - a. For buildings that include only residential uses, the entire building shall be set back from the front property line a minimum of 3 feet and a maximum of 8 feet, as shown in Figure EC 9.3180 Note 2.
      - b. For all other uses, up to 50 percent of the building may be set back from the front property line a maximum of 15 feet, as shown in Figure EC 9.3180 Note 3.
      - c. The setback area must be an enhanced pedestrian amenity or urban plaza as defined at EC 9.0500.
      - d. Recessed entries are excluded from the build-to line and setback requirements.
    2. Buildings shall be provided along a minimum of 60 percent of the length of the street facing property line, as shown in Figure EC 9.3180 Note 1.
    3. Buildings that are chamfered at the corner may be set back from the property line where the chamfer occurs. The maximum width of a chamfered building corner is 20 feet, as shown in Figure EC 9.3180 Note 4.
  - (b) **Building Transparency.**
    1. Windows, openings, or doorways are required along all street facing ground floor walls at a minimum of 25 percent of the area of applicable ground floor walls.
    2. A blank length of wall more than 20 linear feet is prohibited along any street facing facade, unless required for elevator shafts or utility facilities.
    3. Windows or openings required at subsection 1. above must allow two-way visibility and shall have a Visible Light Transmittance (VLT) of 60 percent. 25 percent of the windows required at subsection 1. above shall have a VLT of 70 percent or greater.
    4. Structured parking is exempt from the window requirement, but shall provide openings at the percentages specified at subsection 1. above.
    5. Dwelling units on the ground floor are exempt from the requirements at subsections 1. and 3. above.
  - (c) **Landscape Specifications.**
    1. 10 percent of the total area of all development sites shall be landscaped.
    2. Landscape installations shall include living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.



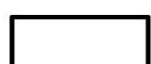

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- (3) **Design Review.** As an alternative to compliance with (2)(a) through (c) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

Figure 9.3180 S-DR/MU Build-to Lines and Setbacks.



**KEY**

-  Build-To-Line (BTL)
-  Property Line
-  Building Area
-  Optional Setback Area

**NOTES**

- 1** Street Facing Property Line
- 2** Setbacks (Residential)
- 3** Setbacks (Mixed-use or Single Use)
- 4** Building Chamfer

(Section 9.3180, including Figure 9.3180, added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)

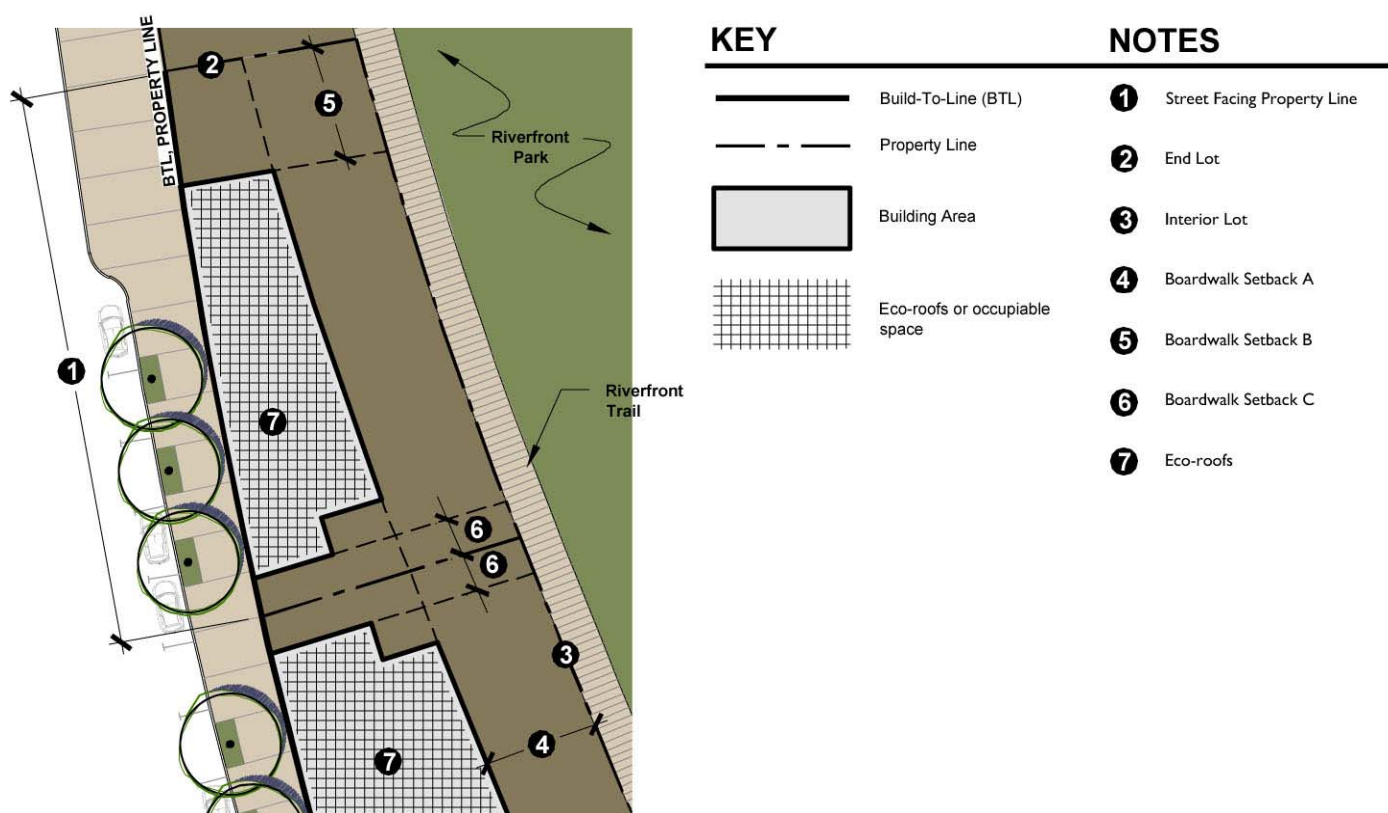
**9.3181 S-DR/MU/1 Downtown Riverfront Special Area Zone Mixed Use Active Overlay Subdistrict Specific Development Standards.**

- (1) **Applicability.** The standards in this section apply to areas shown in Figure 9.3135 S-DR Zone Regulating Plan as S-DR/MU/1. In the event of a conflict between the specific development standards in EC 9.3180, the specific development standards in EC 9.3181 shall control.
- (2) **Specific Development Standards.**
  - (a) **Build-to Lines.**
    1. Buildings shall face a primary street and the first two stories shall not be set back from the front property line.
    2. Buildings shall be provided along a minimum of 50 percent of the length of the street facing property line.
  - (b) **Setbacks.**
    1. **Boardwalk Setback A.** End lots are defined as lots abutting the S-DR/CL subdistrict on two sides with frontage on a primary street. Interior lots are defined as lots abutting the S-DR/CL subdistrict on one side with frontage on a primary street. Within end lots and interior lots, the building shall be set back from the rear property line a minimum of 30 feet, as shown in Figure 9.3181 Note 4.
    2. **Boardwalk Setback B.** Within end lots, the building shall be set back from the side property line a minimum of 30 feet, as shown in Figure EC 9.3181 Note 5.
    3. **Boardwalk Setback C.** Within end lots and interior lots, the building shall be set back from the interior property line a minimum of 10 feet, as shown in Figure 9.3181 Note 6.
    4. The setback area shall be constructed to the following standards.
      - a. The surface must be hardscape and constructed with boardwalk plank-like structures, unit pavers, or colored concrete and meet ADA accessibility standards.
      - b. The setback area must be an enhanced pedestrian amenity or urban plaza as defined in EC 9.0500.
      - c. 80 percent of the setback area must be accessible from the ground floor of the building.
  - (c) **Building Transparency.**
    1. Windows, openings, or doorways are required along all street facing ground floor walls at a minimum of 60 percent of the length and 25 percent of the area of applicable ground floor walls.
    2. Windows shall cover a minimum of 25 percent of the wall area for all floors above the ground floor along all street facing facades.
  - (d) **Eco-roofs.** Buildings must provide eco-roofs or occupiable space on all roof surfaces, with the exception of the following.
    1. Roof structures, architectural features, and other devices pursuant to EC 9.6720(1) through (3) and access structures are allowed on roof surfaces. The combined area of such roof structures, architecture features, other devices, and access structures shall not exceed 25 percent of the total roof area.
    2. Eco-roofs shall comply with design requirements in the Eugene Stormwater Management Manual.

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3. Occupiable space is roof surface used primarily for outdoor seating, dining, gathering, performance, or viewing that consists of surfaces and amenities that support those specific activities.
- (e) Landscape Specifications. There is no minimum landscape requirement, except as specified at EC 9.3170.
- (3) **Design Review**. As an alternative to compliance with (2)(a) through (e) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

**Figure 9.3181 S-DR/MU/1 Setbacks.**



(Section 9.3181, including Figure 9.3181, added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)

### **9.3182 S-DR/MU/2 Downtown Riverfront Special Area Zone Mixed-Use People Overlay Subdistrict Specific Development Standards.**

- (1) **Applicability**. The standards in this section apply to areas shown in Figure 9.3135 S-DR Zone Regulating Plan as S-DR/MU/2. In the event of a conflict between the specific development standards in EC 9.3180, the specific development standards in EC 9.3182 shall control.

**(2) Specific Development Standards.**

(a) Build-to Lines.

1. Buildings shall face a public or private street and the first two stories shall not be set back from the front property line, except for the following.
  - a. For buildings that include only residential uses, the entire building shall be set back from the front property line a minimum of 3 feet and a maximum of 8 feet, as shown in Figure EC 9.3180 Note 2.
  - b. For all other uses, up to 50 percent of the building may be set back from the front property line a maximum of 15 feet, as shown in Figure EC 9.3180 Note 3.
  - c. The setback area must be an enhanced pedestrian amenity or urban plaza as defined at EC 9.0500.
  - d. Recessed entries are excluded from the build-to line and setback requirements.
2. Buildings shall be provided along 80 percent of the length of the street facing property line, except where an alley or accessway is provided.
3. Buildings that are chamfered at the corner may be set back from the property line where the chamfer occurs. The maximum width of a chamfered building corner is 20 feet, as shown in Figure EC 9.3180 Note 4.

(b) Setbacks.

1. Lots with frontage on High Street and located south of the planned primary street/great street shall have a diagonal front yard setback that is consistent with the standards below, as indicated in Figure 9.3182.
  - a. High Street Setback A. The north corner of the building shall be set back a minimum of 50 feet from the property line, as shown in Figure 9.3182 Note 1.
  - b. High Street Setback B. The south corner of the building shall be set back a minimum of 30 feet from the property line, as shown in Figure 9.3182 Note 2.
2. The setback area shall be constructed to the following standards.
  - a. The surface must be hardscape and constructed with boardwalk plank-like structures, unit pavers, or colored concrete and meet ADA accessibility standards.
  - b. The setback area must be an enhanced pedestrian amenity or urban plaza as defined in EC 9.0500.
  - c. 80 percent of the setback area must be accessible from the ground floor of the building.

(c) Building Transparency.

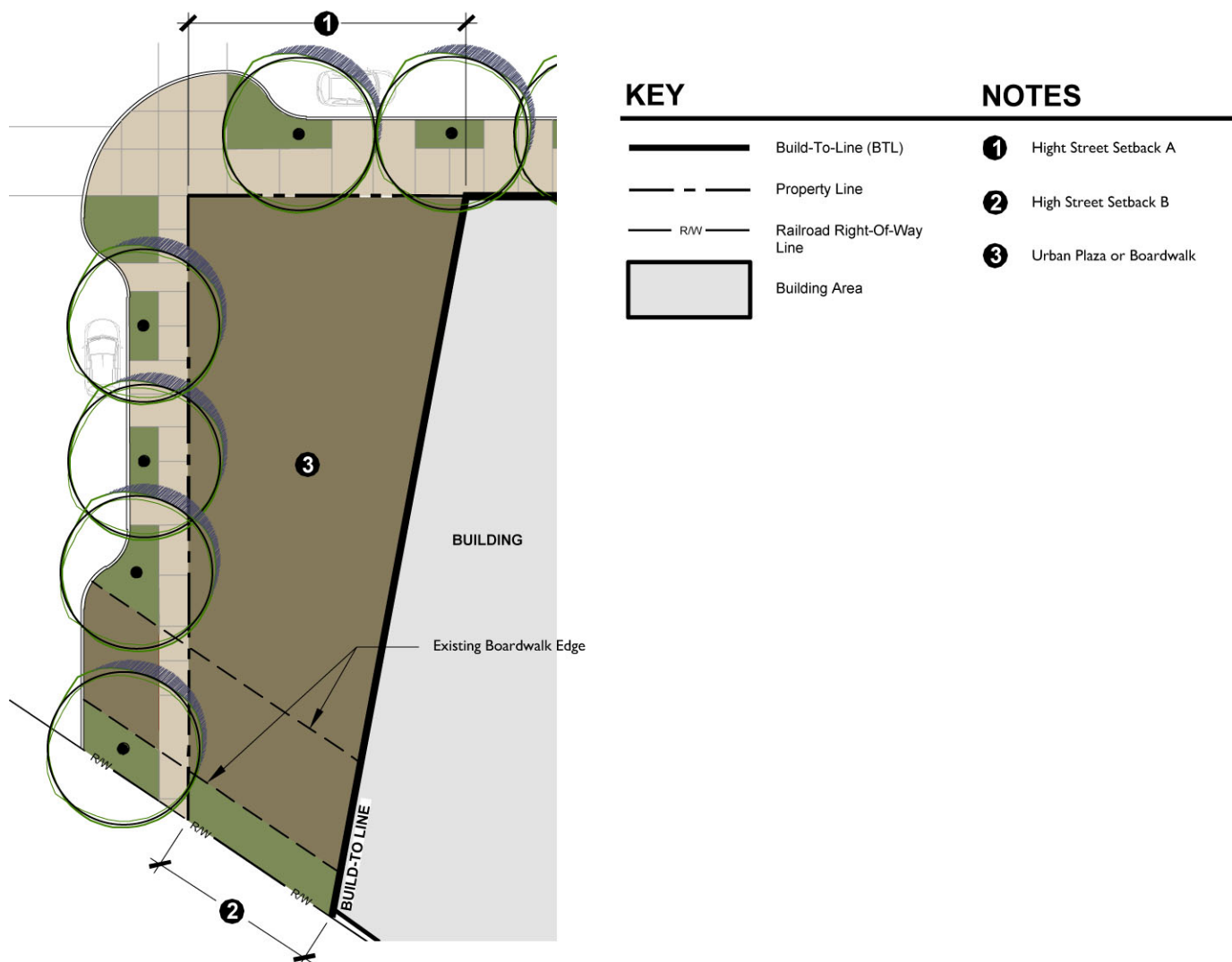
1. Windows, openings, or doorways are required along all street facing ground floor walls at a minimum of 60 percent of the length and 25 percent of the area of applicable ground floor walls.
2. Windows shall cover a minimum of 25 percent of the wall area for all floors above the ground floor along all street facing facades.
3. Dwelling units on the ground floor are exempt from the requirements at subsections 1. and 2. above.



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- (d) Residential Density. A minimum of one story of residential use is required. Buildings greater than three stories must provide residential uses consistent with uses listed at EC 9.3145(3) on all stories above the second story.
- (e) Landscape Specifications. There is no minimum landscape requirement, except as specified at EC 9.3170.
- (3) **Design Review**. As an alternative to compliance with (2)(a) through (e) above, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

Figure 9.3182 S-DR/MU/2 High Street Setbacks.



(Section 9.3182, including Figure 9.3182, added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)

**9.3185 S-DR/CL Downtown Riverfront Special Area Zone Cultural Landscape and Open Space Subdistrict Specific Development Standards.**

- (1) **Applicability.** The standards in this section apply to areas shown in Figure 9.3135 S-DR Zone Regulating Plan as S-DR/CL. In the event of a conflict between the specific development standards in this section and other applicable standards, the specific development standards in EC 9.3185 shall control. The general development standards in EC 9.3155(1), (2), (4) through (10), and (12) through (15) do not apply in the S-DR/CL subdistrict.
- (2) **Permitted Uses.** All uses permitted in the S-DR/CL subdistrict in accordance with EC 9.3145(7) are subject to Design Review pursuant to EC 9.3190(2)(d), unless an alternative design to specific standards or guidelines is approved through the provisions at EC 9.3185(4).
  - (a) **Enhancement.** Where uses are approved in the S-DR/CL subdistrict, an area adjacent to the approved development or use and of equivalent total area to the area impacted by development shall be enhanced consistent with this subsection and by removing non-native invasive plant species and planting species consistent with subsection (b) below.
    1. All refuse, toxic materials, and any fill that limits or decreases the capacity of the area to filter pollutants from runoff that flows across the area shall be removed (not including stormwater collected and discharged from impervious surfaces).
    2. Non-native invasive plants shall be permanently removed to the maximum extent practicable and replaced with plant species in accordance with subsection (b) below.
  - (b) **Planting and Replanting.** Planting or replanting within the S-DR/CL subdistrict shall comply with the following standards.
    1. **Riverfront Park Planting Standards.** In areas designated as riverfront park on Figure EC 9.3185, all of the trees and at least 80 percent of the total number of shrub plants, 60 percent of the total number of grass plants, and 60 percent of the total number of groundcover plants shall consist of plant species selected from the list of native plants in Appendix A of the Downtown Riverfront Specific Area Plan or the list of native plants in the Goal 5 Native and Non-native Plant List (Exhibit F to Ordinance No. 20351).
    2. **Riparian Enhancement Planting Standards.** In areas designated as riparian enhancement on Figure EC 9.3185, all plantings shall be plant species selected from the list of native plants in Appendix A of the Downtown Riverfront Specific Area Plan or the list of native plants in the Goal 5 Native and Non-native Plant List (Exhibit F to Ordinance No. 20351).
      - a. Planting or replanting within 25 feet of the Willamette River ordinary high water line shall include native tree or large shrub species.
      - b. Where non-native or damaged trees are removed within 25 feet of the Willamette River ordinary high water line, they shall be replaced with native tree or large shrub species, unless the tree removal occurs within an identified view corridor shown on Figure 4-4 in the Downtown Riverfront Specific Area Plan.

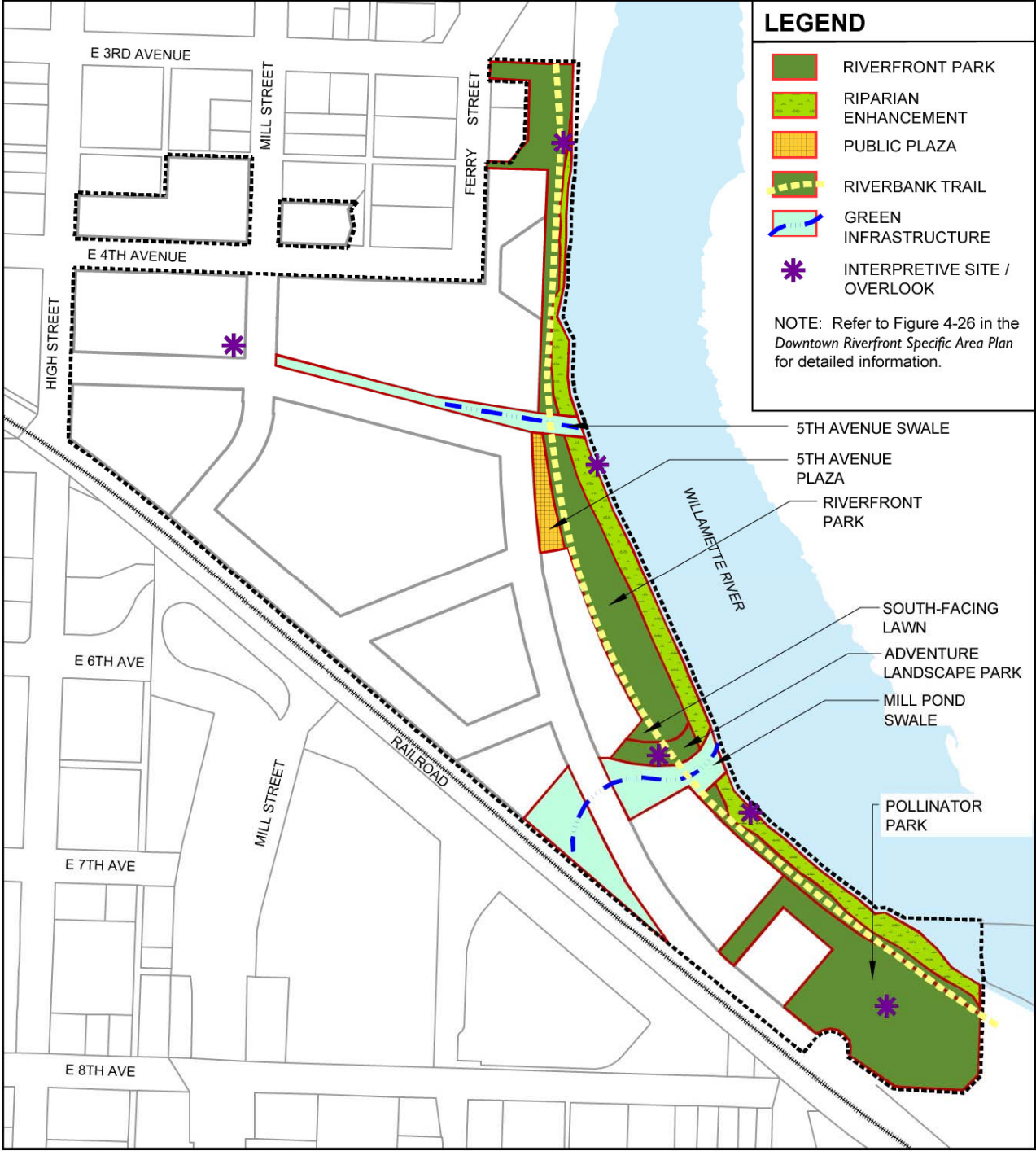
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3. Replanting of areas cleared of existing vegetation must be completed within 90 days following the removal or clearing, unless otherwise approved by the planning director.
  4. Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless germination requirements of the seed require otherwise, in which case germination shall be accomplished at the earliest date practicable.
  5. Plantings shall not adversely affect adjacent protected water resources or existing native vegetation through shading or invasion by plant species.
  6. Non-native invasive species are prohibited in the S-DR Zone.
- (c) Construction Practices. Construction within the S-DR/CL subdistrict shall comply with the following standards.
1. For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, or damaging or compacting soil. The following standards shall apply to use of heavy machinery within the S-DR/CL subdistrict.
    - a. On sites where soils are susceptible to severe compaction or structural damage when wet or saturated, use of heavy machinery shall be limited to the period between June 15 and September 30, unless otherwise approved by the planning director.
    - b. Use of heavy machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where its use is necessary.
  2. Petroleum products, chemicals, or other deleterious materials used in the construction process shall not be allowed to enter the Willamette River.
- (d) Filling, Grading, and Excavating. Filling, grading and excavating within the S-DR/CL subdistrict shall comply with the following standards.
1. Filling, grading, or excavating of more than 500 square feet must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.
  2. These activities shall occur between April 15 and October 15 of the same year, unless the planning director authorizes an exception based on dry weather conditions or overriding public need. Exceptions granted due to overriding public need shall require approval of an erosion and sedimentation control plan prior to commencement of earth moving activities, and the plan must be implemented throughout the activity.
- (e) Landform Character. Grading and excavation conducted as part of restoration or enhancement projects, and bank and channel reconfiguration shall result in topography that resembles natural undulations, meanders, and slopes found in landscapes shaped by natural processes. For purposes of this standard, straight lines and geometric or angular shapes are not acceptable. Channel and stream bank slopes shall not exceed 25 percent.
- (f) Boardwalks, Viewing Platforms, Interpretive Information Kiosks, Trail and Interpretive Signage. These structures shall be constructed in a

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- manner that involves the least removal of native vegetation practicable. Signs shall be no more than 5 feet tall, and 16 square feet per face in surface area, except for signs intended to be read from moving automobiles, such as site entrance signs, which shall be no more than 8 feet tall and 32 square feet per face in surface area. Kiosks shall be no more than 10 feet tall and 20 square feet per face in surface area.
- (g) Trails. Except for the Riverbank Trail System, which is considered a multi-use path for the purposes of the S-DR Zone and may be constructed of impervious material, trails shall be constructed of gravel, wood chips or other pervious material, unless otherwise approved by the planning director. Trail construction shall involve the least removal of native vegetation practicable for the area and the minimum amount of fill or excavation practicable.
  - (h) Lighting. Area lighting shall be aimed away from natural resource areas where possible, and otherwise must be aimed such that light shining on natural resource areas is minimized to the maximum extent practicable. Area lighting is outdoor lighting designed to illuminate an activity area, trail or multi-use path.
  - (i) Landscape Plantings. Landscape plantings within designated view corridors as shown in Figure 4-26 in the Downtown Riverfront Specific Area Plan shall not obstruct a clear view to the water surface from the view corridor.
  - (j) Public Access. Public access connections must be provided between the Riverbank Trail and all adjacent development sites and public sidewalks. Access for the general public shall be consistent with adopted policies or plans.
- (3) Design Review**. As an alternative to compliance with standards and guidelines applicable in the S-DR/CL subdistrict, an applicant may apply for approval of an alternative through the Design Review process in accordance with the provisions of EC 9.3190.

Figure 9.3185 S-DR Zone Cultural Landscape and Open Space Subdistrict Diagram.



(Section 9.3185, including Figure 9.3185, added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)

**9.3190 S-DR Downtown Riverfront Special Area Zone Design Review.**

- (1) As an alternative to designing a development that complies with applicable standards in the S-DR Zone, where explicitly stated that the Design Review process can be used to approve an alternative to a particular standards, an applicant may apply for approval of a proposed development through the Design Review process beginning with EC 9.8110 Design Review-Purpose.
- (2) The planning director shall approve, conditionally approve, or deny a Design Review application based on compliance with the following criteria:
  - (a) The criteria at EC 9.8030(16)(a)1. through 3. apply to alternative designs pursuant to EC 9.3150(3), EC 9.3160(7), EC 9.3165(1), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3).
  - (b) The criteria at EC 9.8030(16)(a)3. apply to alternative designs pursuant to EC 9.3147(7).
  - (c) The criteria at EC 9.8030(16)(a)3. apply to alternative designs pursuant to EC 9.3185(4).
  - (d) Except as provided in (c), above, the Cultural Landscape and Open Space Design Guidelines in the Downtown Riverfront Specific Area Plan apply to uses in the S-DR/CL subdistrict pursuant to EC 9.3185(2).

*(Section 9.3190 added by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

## 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.

*(Section 9.3200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be planned for a special mix of uses in the Westside Neighborhood Plan.

*(Section 9.3205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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.

<b>Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements</b>	
	<b>S-DW</b>
<b>Accessory Uses</b>	
Accessory Uses. <u>Examples</u> related to residential uses 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 constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P
Accessory Uses. <u>Examples</u> related to non-residential uses include storage and distribution incidental to the primary use of the site.	P
<b>Agricultural, Resource Production and Extraction</b>	
Urban Animal Keeping, including pastureland (See 9.5250)	S

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<b>Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements</b>	
	<b>S-DW</b>
<b>Eating and Drinking Establishments</b>	
Delicatessen	P(1)
Restaurant	P(1)
Specialty Food and Beverage. Examples include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(1)
<b>Educational, Cultural, Religious, Social and Fraternal</b>	
Artist Gallery/Studio	P(2) or C(2)
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P(2) or C(2)
Church, Synagogue, and Temple, including associated residential structures for religious personnel, but excluding elementary through high school	P
Community and Neighborhood Center	P(2) or C(2)
Museum	P(2) or C(2)
<b>Entertainment and Recreation</b>	
Athletic Facility and Sports Club	P(2) or C(2)
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(4)
Theater, Live Entertainment	P(2) or C(2)
<b>Information Technology Services</b>	
Computer Networking (includes services and technical support center)	P(2) or C(2)
E-commerce (excludes on-site shipping via truck)	P(2) or C(2)
Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)	P(2) or C(2)
Internet and Web Site (includes services and technical support center)	P(2) or C(2)
Software Development (includes services and technical support center)	P(2) or C(2)
<b>Lodging</b>	
Bed and Breakfast (See EC 9.5100)	S
<b>Medical, Health, and Correctional Services</b>	
Hospital, Clinic, or other Medical Health Treatment Facility (including Mental Health) 10,000 square feet or less of floor area	C
Nursing Home	P
Residential Treatment Center	C
<b>Motor Vehicle Related Uses</b>	
Transit, Neighborhood Improvement	P
<b>Office Uses</b>	
Administrative, General, and Professional Office	P(2) or C(2)
<b>Personal Services</b>	
Barber, Beauty, Nail, Tanning Shop	P(3)
Day Care Facility (Day care operations part of a residence are included in residential category.)	C
Laundromat, Self-Service	P(3)



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<b>Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements</b>	
	<b>S-DW</b>
Mailing and Package Service	P(3)
Tailor Shop	P(3)
<b>Residential</b>	
<b>Dwellings</b> (All dwellings types are permitted if approved through the Planned Unit Development process.)	
One-Family Dwelling (1 Per Lot)	P
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P
Duplex	P
Tri-plex (Three-Family Attached on Same Lot)	P
Four-plex (Four Family Attached on Same Lot)	P
Multiple-Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	P
<b>Assisted Care and Day Care</b>	
Day Care (3 to 12 people served) (See EC 9.5200)	S
Day Care (13 or more people served)	C
<b>Trade (Retail and Wholesale)</b>	
Bicycle Rental/Sales/Service	P(3)
Book Store	P(3)
Drug Store (excludes Drug Treatment Clinic)	P(3)
Furniture and Home Furnishing Store	P(3)
Garden Supply/Nursery, includes feed and seed store	P(3)
General Merchandise (includes supermarket and department store)	P(3)
Speciality Store (An example includes a gift store.)	P(3)
Toy and Hobby Store	P(3)
<b>Other Commercial Services</b>	
Home Occupation - Catering Service (See EC 9.5350)	P(3)

*(Section 9.3210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; amended by Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013.)*

**9.3211 Special Use Limitations for Table 9.3210.**

- (1) **Eating and Drinking Establishments Allowance in S-DW.** Eating and drinking establishments are permitted outright when the total building area used for these uses is 10,000 square feet or less and at least 65 percent of the total building square footage is in residential use. These uses are prohibited from having drive-up or drive-through facilities.
- (2) **Entertainment and Recreation, Information Technology Services, and Office Allowance in S-DW.** These uses are permitted outright when the total building area used for these uses is 10,000 square feet or less and at least 65 percent of the total building square footage is in residential use. These uses require an approved conditional use permit when the total building area for these uses will exceed 10,000 square feet.
- (3) **Personal Services and Trade Allowance in S-DW.** These uses are permitted outright when the total building area used for these uses is 5,000 square feet or less and at least 65 percent of the total building square footage

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is in residential use.

- (4) Permitted in the S-DW Downtown Westside Special Area Zone, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

*(Section 9.3211, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)*

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

- (1) **Application of Standards.** 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.
- (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.
- (3) **Commercial and Office Standards (any non-residential uses).** Except as provided in this section or EC 9.3216 Special Development Standards for Table 9.3215, all non-residential development shall be subject to the standards established in the C-2 zone.
- (4) **Mixed Use Standards.** An entire mixed use development shall be subject to the least restrictive standards set forth in this section that are applicable to one of the uses proposed by the project.

The following Table 9.3215 sets forth development standards within the S-DW zone. The numbers in ( ) in the table are references to special limitations that are set forth in EC 9.3216.

<b>Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards</b>	
	<b>S-DW</b>
<b>Maximum Building Height</b> (1), (2)	
Main Building	120 feet
Accessory Building	50 feet
<b>Minimum Building Setbacks</b> (1), (3), (4), (5)	
Front Yard Setback (7)	10 feet
Front Yard Setback for garages and carports	15 feet
Interior Yard Setback (6)	0 - 10 feet
<b>Maximum Building Dimension</b>	150 feet
<b>Minimum Landscape Area</b> (8) (Excludes required landscaping for parking areas. Landscape areas may include rooftops or terraces accessible to building occupants.)	20% of development site
<b>Outdoor Storage Areas</b>	Not permitted
<b>Parking and Loading</b>	Shall comply with standards beginning at EC 9.6400
<b>Residential Density per Net Acre</b>	None
<b>Solar Standards</b>	Exempt

<b>Table 9.3215 S-DW Downtown Westside Special Area Zone Development Standards</b>	
	<b>S-DW</b>
<b>Sign Standards</b>	Shall comply with Residential Sign Standards

*(Section 9.3215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)*

**9.3216 Special Development Standards for Table 9.3215.**

- (1) Maximum building height, minimum building setbacks, and maximum building dimensions 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) A more restrictive height limit applies within 50 feet of an abutting property zoned R-2 or R-3. (Table 9.2750.)
- (3) Special setback provisions may also apply. (EC 9.6750 Special Setback Standards.)
- (4) More restrictive setbacks apply for schools, churches, public and semi-public institutional uses. (EC 9.2740 Residential Zone Land Use and Permit Requirements.)
- (5) Certain building features and uses may intrude into required setback. (EC 9.6745 Setbacks - Intrusions Permitted, and EC 9.6750 Special Setback Standards.)
- (6) The following interior yard setbacks are required in the S-DW zone:
  - (a) All lots or development sites in the S-DW zone shall have interior yard setbacks of at least 10 feet between the buildings, without regard as to the location of the property line, or no interior yards required if the buildings abut or have a common wall, except where a utility easement is recorded adjacent to an interior lot line, in which event there shall be an interior yard no less than the width of the easement. There shall be no projection of building features into the easement.
  - (b) Except where buildings abut or share a common wall, the owner of a lot or parcel with an interior yard of less than 5 feet from the adjacent property line must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to that side of the building. The easement shall be on a form approved by the city manager and shall be accompanied by a fee set by the city manager. The easement shall provide a 5 foot wide access the entire length of the building and 5 feet beyond both ends, and require a 10-foot separation between buildings on separate lots.
  - (c) Alley access parcels shall be subject to the provisions of this section for all yards, including the yard adjacent to the property line separating the alley access parcel from the original parent parcel.
- (7) Parking is prohibited within the front yard setback.
- (8) **Landscaping Standards.**
  - (a) Minimum Landscape Area Required. At least 20% of the development

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site shall be landscaped with living plant materials. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front yard setbacks or off-street parking areas, shall apply toward the minimum landscape requirements for the development site.

- (b) Minimum Landscape Standard. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1). Up to one third of the required landscape area may be improved for recreational use or for use by pedestrians. Examples include walkways, plazas and benches.
- (c) Required Landscaping in Front Yard Setbacks. Landscape planting beds within any required front yard setback shall be a minimum of 7 feet in width and shall comply, at a minimum, with EC 9.6210(1) Basic Landscape Standard (L-1).

*(Section 9.3216, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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.

<b>Table 9.3220 S-DW Downtown Westside Special Area Zone Lot Standards</b>	
	<b>S-DW</b>
<b>Area Minimum</b>	
All Lots except Small Lots, Rowhouse Lots, 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 (5)	6,000 square feet
<b>Frontage Minimum</b>	
Interior Lot (1)	20 feet
Corner Lot (1)	20 feet
Curved Lot (1)	20 feet
Alley Access	na
<b>Width Minimum</b>	
Interior Lot (1)	20 feet
Corner Lot (1)	20 feet
Curved Lot (1)	20 feet
Alley Access	20 feet

*(Section 9.3220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.3221**     **Special Standards for Table 9.3220**.

- (1) Lot area, frontage, and width minimums may be modified with an approved

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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.)
- (5) 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.)

*(Section 9.3221, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)*

## 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-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.
- (Section 9.3300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.3305** **S-E Elmira Road Special Area Zone Siting Requirements.** In addition to approval criteria at EC 9.8865 Zone Change Approval Criteria, the following criteria shall apply:
- (1) The property is on the north side of Elmira Road; and
  - (2) The property has historically been used for a variety of residential, commercial and employment and industrial functions.
- (Section 9.3305, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

- 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.

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<b>Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements</b>	
	<b>S-E</b>
<b>Accessory Uses</b>	
Accessory Uses. <u>Examples</u> related to residential use 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 constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P(1)
Accessory Uses. <u>Examples</u> related to non-residential use include accessory business services that are related to audio, video, or film production, such as typesetting, word processing, and computer services.	
<b>Agricultural, Resource Production and Extraction</b>	
Urban Animal Keeping, including pastureland (See EC 9.5250)	S(1)
Agricultural Products Display and Sale, primarily based on products raised or grown on the premises	P(1)
Community and Allotment Garden	P(1)
Horticultural Use	P(1)
<b>Education, Cultural, Religious, Social and Fraternal</b>	
School, Elementary through High School	SR(1)
University or College, must provide general education programs as a primary activity	SR(1)
<b>Entertainment and Recreation</b>	
Artist Gallery/Studio	P(1),(2)
<b>Government</b>	
Government Services, only if determined by the planning director as essential to the physical and economic welfare of the area. <u>Examples:</u> a fire station, utility station, or pump station.	P(1),(2)
<b>Manufacturing (Includes processing, assembling, packaging, and repairing)</b>	
Film, Audio, and Video Production	P(1),(2)
Recycling- small collection facility (See EC 9.5650)	S(1)
<b>Motor Vehicle Related Uses</b>	
Transit, Neighborhood Improvement	P
<b>Residential</b>	
<b>Dwellings</b>	
One-Family Dwelling (1 Per Lot)	P
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P
Duplex (Two-Family Attached on Same Lot)	P
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	PUD
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>	
Assisted Care (6 or more people living in facility)	C
Day Care (3 to 12 people served) (See EC 9.5200)	P
Day Care (13 or more people served)	C
Day care operations not part of a residence are included in the Personal Services category.	
<b>Utilities and Communication</b>	
Amateur Radio Antenna Structure (See EC 9.5050)	S(1)
Broadcasting Studio, Commercial and Public Education	P(1),(2)
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(1),(2)

<b>Table 9.3310 S-E Elmira Road Special Area Zone Uses and Permit Requirements</b>	
	<b>S-E</b>
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(1),(2)
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 Type II procedure that shows low visual impact.	P(1),(2)
Telecommunication Facility (Refer to EC 9.5750)	S(1)
Water Reservoir, elevated above ground level	SR
<b>Other Commercial Services</b>	
Printing, Blueprinting, and Duplicating	P(3)

*(Section 9.3310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013.)*

**9.3311 Special Use Limitations for Table 9.3310.**

- (1) **Limit of Non-residential Development.** A minimum of 30 percent or 1.45 acres of the total zone of 4.74 acres shall be developed with residential uses.
- (2) **Non-Residential Uses.** Any redevelopment plan for existing industrial structures or new non-residential structures shall be reviewed under the site review procedures contained in this land use code.
- (3) **Printing, Blueprinting, and Duplicating.** This use is limited to non-retail activities related to audio, video, or film production.

*(Section 9.3311, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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.

*(Section 9.3315, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02.)*



## S-F Fifth Avenue Special Area Zone

**9.3400** **Purpose of S-F Fifth Avenue Special Area Zone.** The purpose of the S-F zone is to encourage a variety of uses that:

- (1) Allows preservation of existing substantial buildings.
- (2) Allows redevelopment of the area with a variety of commercial and employment and industrial uses.
- (3) Encourages redevelopment that is primarily pedestrian-oriented with only limited provision for automobile use.
- (4) Ensures that new development conforms with the character of the existing development.

*(Section 9.3400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.3405** **S-F Fifth Avenue Special Area Zone Land Uses.** The land use and permit requirements and special use limitations applicable in the S-F zone shall be those set out at EC 9.2160 and EC 9.2161 for uses in the C-2 zone.

*(Section 9.3405, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.3410** **S-F Fifth Avenue Special Area Zone Development and Lot Standards.** In the S-F zone the general standards set forth in this land use code governing development in the C-2 zone shall apply.

*(Section 9.3410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.3415** **S-F Fifth Avenue Special Area Zone Public Facility Standards.** Within the S-F zone, all of the following improvements shall be provided for:

- (1) Sidewalks with a combination of concrete and brick.
- (2) Removal of curbside parking except for short-time loading zones.
- (3) Sheltered bus stop.
- (4) Street lights, either pole-mounted or building-mounted.

Other improvements installed at public expense within this S-F zone shall be designed to coordinate with the improvements listed above.

*(Section 9.3415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## S-H Historic Zone

**9.3450** **S-H Historic Zones.** S-H Historic Zones may be established by the city council in the manner prescribed in EC 9.3000 through 9.3030. Except for ordinances establishing site-specific historic zones, copies of which are maintained at the city's planning and development department, all existing S-H Historic Zones are set forth in this land use code.

*(Section 9.3450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3455** **S-H Historic Zones - Adjustment to Development Standards.** Development standards applicable in an S-H Historic Zone may be adjusted as set forth in EC 9.8030(15).

*(Section 9.3455, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## 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.

*(Section 9.3500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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.

*(Section 9.3505, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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 dwellings.
- (b) Duplexes.
- (c) Triplexes.
- (d) Four-plexes.
- (e) Multiple-family dwellings.
- (f) Home occupations.

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- (g) Bed and breakfast facilities.
- (2) **Areas Designated for Neighborhood Commercial.**
- (a) Some houses in the zone are currently used for commercial purposes. Permitted uses shall allow the conversion of commercial back to residential when it relates to historic residential architecture.
  - (b) Notwithstanding subparagraph (a) of this subsection, the following uses are permitted:
    - 1. Accessory uses. Examples include, but are not limited to, storage and distribution incidental to the primary use of the site.
    - 2. Administrative, general and professional offices.
    - 3. Amusement centers (arcades, pool tables, etc.).
    - 4. Artist galleries/studios.
    - 5. Assisted care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time).
    - 6. Athletic facilities and sports clubs.
    - 7. Automated teller machines (ATMs).
    - 8. Ballet, dance, martial arts, and gymnastic schools, academies and studios.
    - 9. Banks, savings and loan offices, credit unions.
    - 10. Barber, beauty, nail, tanning shops.
    - 11. Bars and taverns.
    - 12. Boarding/rooming house.
    - 13. Building maintenance services.
    - 14. Catering services.
    - 15. Churches, Synagogues, and Temples, including associated residential structures for religious personnel.
    - 16. Clubs and lodges of state or national organizations.
    - 17. Community and neighborhood centers.
    - 18. Convenience stores.
    - 19. Day care (3 to 12 people served).
    - 20. Day care, not associated with a residence.
    - 21. Delicatessens.
    - 22. Equipment, light, rental/sales/service.
    - 23. Film, drop-off/pick-up.
    - 24. Furniture and home furnishings store.
    - 25. Garden supply/nurseries.
    - 26. General merchandise (includes supermarkets and department stores).
    - 27. Government services not specifically listed elsewhere.
    - 28. Hardware/home improvement stores.
    - 29. Home occupations.
    - 30. Hospitals, clinics or other medical health treatment facilities (including mental health) 10,000 square feet or less of floor area.
    - 31. Locksmith shop.
    - 32. Mailing and package services.
    - 33. Meal services, non-profit.
    - 34. Healthcare equipment and supplies.
    - 35. Museum.
    - 36. Office equipment and supplies.
    - 37. Parks and playgrounds.

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38. Parts stores.
  39. Photographer's studios.
  40. Picture framing and glazing.
  41. Printing, blueprinting and duplicating.
  42. Publishing services.
  43. Recycling, reverse vending machines.
  44. Restaurants.
  45. Schools, business or specialized educational training (excludes driving instruction).
  46. Scientific and educational research centers.
  47. Shoe repair shops.
  48. Specialty Food and Beverage. Examples include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.
  49. Specialty stores (examples include gift, computer or video store).
  50. Tailor shops.
  51. Theaters, live entertainment.
  52. Transit, neighborhood improvement.
  53. Veterinarian services.
- (3) **Areas Designated for Mixed Use.** The S-HB zone has always been characterized by mixed use, and mixed uses shall be encouraged. Permitted uses shall conform to the uses permitted under subsections (1) and (2) of this section.
- (4) **Areas Designated for Park and Open Space.** Scobert Park is significant for its association with the rural landscape that existed along Blair Boulevard during the historic period, and shall be retained as a significant landscape feature of the S-HB zone. Shade trees, fruit and nut trees, and ornamental plantings that exist in the park shall be maintained. Future construction of buildings and installation of plant material, park furniture and play equipment shall be evaluated to ensure compatibility with the character-defining features of the park through the historic alteration application process in this land use code.

*(Section 9.3510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)*

**9.3515 S-HB Blair Boulevard Historic Commercial Special Area Zone Development Standards.** The design standards set forth in this section apply to all property within the S-HB zone. In the event any of the development standards of this section conflict with the general development standards of this land use code, the standards in this section control. Property within this zone is also subject to the historic property alteration Type II review and historic property moving and demolition procedures and criteria in this land use code. Alterations shall be in character with the structure's original stylistic integrity as described in the city landmark nomination.

- (1) **Facade.** Improvements or alterations shall respond to the verticality of the facade and window proportions. The placement and size of window and door openings shall follow historic precedents that are unique to individual resources. Window and door replacements shall respect the character defining features of the historic structure. Opening shall not be enlarged to

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accommodate plate glass or non-compatible additions. Detailing of windows and doors shall adhere to precedents that exist on the historic structure, or shall be based on sound documented research. Three dimensional elements, like porches, bay windows, balconies and awnings, shall be designed to conform in scale, texture and harmony to the historic structure and character defining elements of the zone.

**(2) Exterior Materials and Textures.**

- (a) New foundations are subject to Uniform Building Code criteria, but shall attempt to represent a historic appearance that is compatible with the structure.
- (b) Siding shall replicate existing historic siding or be compatible with existing siding. Metal and vinyl sidings, T-1-11 plywood siding, and other non-historic siding materials shall be avoided on buildings located in the S-HB zone. Every attempt shall be made to replicate the historic look that is consistent with the historic structure.
- (c) The exterior color shall be compatible with adjacent landmark structure or of natural or earthtone colors, or of natural materials that are sympathetic to the historic time period, and detailing of individual structures located in the S-HB zone. Choice of color can be influenced by changing technologies, tastes and fashions. A paint analysis is considered the most effective method of determining historic color, and should be considered on structures of significant ranking.

**(3) Height.** Building heights are generally low in the S-HB zone and alterations and additions shall not exceed 2 stories in height. Building height shall not exceed 25 feet.

**(4) Roof.** New roof shapes shall be compatible with historic precedents existing in the S-HB zone, which are generally gabled or hipped, or a combination of the two. The roof pitch shall be medium to steep and surface material shall consist of composition shingle or wood shingle. Wood shakes shall be avoided. Investigations of existing roof materials shall be conducted through research or identification on an individual basis. Earthtones and grays are generally acceptable colors for historic roofs.

**(5) Siting.** Structures facing Blair Boulevard and Van Buren Street shall continue to be sited to follow an east-west orientation, or to allow alignment with Blair Boulevard, which is a unique character defining feature of the S-HB zone. Exceptions may be made for infill structures that are located at the rear of parcels or adjacent to alleys.

**(6) Site Development.**

- (a) Existing mature vegetation shall be retained, to the extent possible. The addition of lawns, deciduous and evergreen trees and shrubs, vines and perennials shall be encouraged for ornamental plantings. Novelty plants, variegated foliage, and topiary (shrubbery that is clipped to imitate animal or whimsical shapes) are non-compatible with the character of the zone.
- (b) Fences, walls, and hedges located within the front setback shall be low and compatible with the architecture of the building on the development site. Fences, walls and hedges at the rear of property in the zone could be taller, but every consideration shall be given to create fence types that are historic in character, and compatible with the architecture of the S-HB zone.

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- (7) **Parking.** Off-street parking requirements shall be eliminated when necessary to preserve historic landscape materials or unique historic features to allow for the adaptive re-use of historic buildings or when provision of off-street parking prevents such compatible uses. Within the S-HB zone there shall be no significant expansion of off-street parking. Business shall be encouraged to share off-street parking areas. On-site parking is best achieved at the side or rear of historic structures. Large historic shade trees shall not be removed to make way for parking lots. Existing parking lots shall be evaluated and design considerations shall be sought to make them more compatible with the character of the S-HB zone.
- (8) **Public Improvements.** Materials and design solutions for the public improvements listed in this subsection shall also be compatible with the historic character of the S-HB zone. Special consideration shall be given to the location of benches and outdoor seating areas to ensure that they are designed in a manner that is compatible with the S-HB zone.
- (a) **Street, Sidewalk, and Alley Improvements.** Improvements to streets and sidewalks shall enhance the visual continuity of the existing streetscape. Improvements and alterations shall be compatible with existing material, yet provide safe access for pedestrian, bicycle and automobile circulation. Alleys shall continue to maintain their attractiveness as public open spaces between properties. Improvements shall provide a sensitivity to existing historical structures, sheds, additions and landscape features. Additional information regarding the trolley tracks under Blair Boulevard shall be considered before street improvements are implemented.
- (b) **Lighting.** New city lighting shall be pedestrian in scale. Research shall be conducted to determine the historic precedents for street lighting in the S-HB zone, or surrounding residential areas. The findings of this research shall be applied when replacement lights are considered to be appropriate in the S-HB zone.
- (c) **Street Trees.** The planting of street trees shall continue to reinforce the historic character and planting patterns of the S-HB zone, which is somewhat linear in form. There are existing street trees that are over 100 years old in the S-HB zone, as well are more recent plantings. Deciduous and coniferous trees are both compatible to the character of the S-HB zone.
- (d) **Signs.** It is expected that signs in the S-HB zone will satisfy the legitimate needs of commerce without visual clutter and without interference with the view of buildings, landscape features and other signs. Signs shall be positioned with consideration for the facade on which located. Signs shall be designed for careful integration with architectural features. Size and proportion shall relate to the fenestration and detailing of the building. Street signs, historic district signage, and the lighting of signs shall all be reviewed before installation. Ghost signs, like the Shamrock Lunch sign at 1080 West Third Avenue, shall require specific considerations for restoration and enhancement.

*(Section 9.3515, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

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## **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:

- (1) Contribute to maintaining and strengthening a high quality urban core environment with compatible commercial and residential development so that people of a variety of incomes and household compositions will desire to live close to the city center and will be able to afford to do so.
- (2) Protect and maintain these healthy, established, residential areas by ensuring compatible design for residential infill development in terms of lot patterns; uses; development intensity; building mass, scale, orientation and setbacks; open space; impacts of vehicle ownership and use; and other elements.
- (3) Reinforce and complement positive development patterns identified through a community process conducted by the City-chartered neighborhood association that encompasses the S-JW zone.
- (4) Accommodate future growth without eroding the areas' residential character and livability.
- (5) Promote stability of the neighborhood community by maintaining a balanced mix of single-dwelling, duplex, and multi-dwelling residential development that contributes positively to the predominant residential patterns that arose as the neighborhood was built out. Prevent destabilization that would result from major residential redevelopment.
- (6) Limit the density and intensity of permitted development to a level of development that does not fundamentally replace the essential character of the encompassed area (i.e., by redevelopment).
- (7) Support the encompassed areas as transition areas between higher intensity residential and commercial land uses adjacent to the S-JW areas (e.g., along W. 13th Avenue and Willamette Streets to the north and east of the Jefferson neighborhood portion of the S-JW area) and lower intensity residential areas adjacent to S-JW areas (e.g., the R-1 zoned areas to the east and south of the Jefferson portion of the S-JW area), in terms of density; building mass, scale, setbacks and facades; open space; and other elements.
- (8) Promote a safe, hospitable and attractive environment for pedestrians and bicyclists, including individuals of all ages and abilities, particularly by establishing development standards that do not allow automobile use to reach levels that create hazards or disincentives to pedestrian and bicycle use on local streets and alleys;
- (9) Promote public safety by fostering a strong visual and social connection among living areas of dwellings that are close to one another, and between the living areas of dwellings and the public realm;
- (10) Provide for a range of dwelling types, tenures, density, sizes and costs, including by encouraging the preservation of existing small lots and small, relatively lower-cost, single-dwelling, detached homes, as well as by encouraging new, smaller and relatively lower-cost, detached, single-dwellings and duplexes;
- (11) Implement clear and objective standards that support the above purposes, while allowing for alternative discretionary standards to provide additional



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flexibility for compatible residential development.

*(Section 9.3600 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010.)*

**9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, to receive the S-JW Jefferson Westside Special Area Zone, the site must be included within the boundaries of the Jefferson Westside Special Area Zone depicted on Figure 9.3605 S-JW Jefferson Westside Special Area Zone boundaries.

*(Section 9.3605 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010.)*

**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.)*

**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. In the event of a conflict between those general development standards and the development standards in EC 9.3625 to 9.3640, the provisions of EC 9.3625 to 9.3640 shall control.
- (b) 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.

**(2) Roof Form.**

- (a) All roof surfaces on residential buildings, other than as provided for porches and dormers in subsections (b) and (c) below, shall have a minimum slope of 6 inches vertically for every 12 inches horizontally, except:
  1. A lesser roof pitch is permitted so long as the pitch is no less than the median roof pitch of all residential buildings located on those S-JW lots located within 300 feet of the subject lot. For purposes of determining the median roof pitch, each residential building's roof pitch shall be considered the roof pitch of the building's largest contiguous roof area.

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2. For a residential building that contains the only dwelling on a lot, a lesser roof pitch is permitted for up to 1,000 square feet of roof surface, so long as the area(s) of lesser pitch are no more than 15 feet above grade at any point.
- (b) Residential building porches are not required to have a sloped roof if the porch is:
    1. Less than 100 square feet; or
    2. Located on a street-fronting lot that is not an alley access only lot and is on the rear (i.e., side opposite a street) of the residential building closest to the street.
  - (c) Residential building dormers are not required to have a sloped roof if the dormer is:
    1. Less than 10' wide, as measured at sidewalls or maximum roof opening, whichever is greater; or
    2. Located on a street-fronting lot that is not an alley access only lot and is on the rear (i.e., side opposite a street) of the residential building closest to the street.
  - (d) Roof surfaces on garages and other buildings that are not residential buildings in the following categories shall have a minimum slope of 6 inches vertically for every 12 inches horizontally:
    1. Buildings with over 200 square feet of floor area; and
    2. Buildings with over 100 square feet of floor area that have any part of the building over 12 feet high, as measured from grade.
- (3) Alley development standards.**
- (a) **Primary Vehicle Access.** For the purposes of this section, "primary vehicle access" means the primary means by which inhabitants take vehicular access to a dwelling or on-site parking space(s) provided for a dwelling. Primary vehicle access is determined as follows:
    1. On an alley access only lot, every dwelling's primary vehicle access is the alley.
    2. On a lot that is not an alley access only lot and that, consistent with access standards in the EC, could take vehicular access from an alley, a dwelling's primary vehicle access is:
      - a. The street, when there is only one dwelling on the lot.
      - b. When there are multiple dwellings on the lot, for each on-site parking space that complies with the standards applicable in the S-JW special area zone and that can only be accessed and exited via a street (i.e., cannot use the alley for entry or exit), one dwelling is considered to take primary vehicle access from the street. The remainder of the dwellings shall be considered to take primary vehicle access from the alley.

If there are one or more dwellings with the alley as primary vehicle access, the dwelling(s) closest to the alley shall be considered to have primary access from the alley. In cases where multiple dwellings are equidistant from the alley and not all of them take primary access from the alley, the property owner may designate which dwellings take primary access from the alley. The provisions in this subsection

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(3)(a)2.b. may be adjusted based on the criteria of EC 9.8030(26)(2).

3. On all lots not addressed in 1. or 2., above, all dwellings' primary vehicle access is the street.
- (b) No more than one dwelling on the same development site may take primary vehicle access from an alley unless the site also abuts a street that the alley intersects.
- (c) On any lot that contains one or more dwellings whose primary vehicle access is an alley, there must be at least an undivided 400 square-foot open space area (not including buildings, parking or driveways) abutting the alley. Except as provided in 4., below, the open space area:
  1. shall abut the alley for at least 25% of the length of the lot line abutting the alley;
  2. shall be a minimum of 10 feet in depth for the entire extent that the open space area abuts the alley; and
  3. may include areas that are within setbacks.
  4. The open space required in this subsection (c) may be placed behind parallel parking abutting the alley.
- (d) For a dwelling whose primary vehicle access is an alley:
  1. The dwelling may not have more than three bedrooms.
  2. If the dwelling is in the residential building closest to the alley, then the dwelling shall include a main entrance that is visible from the alley (**see Figure 9.3625(3)(d)2.**) and meets one of the following conditions:
    - a. Faces the alley;
    - b. Faces the side of the lot and meets all the following conditions:
      - (1) The entrance opening is not more than 8 feet from the building façade facing the alley and nearest the alley;
      - (2) The entrance includes a covered porch of at least 30 square feet;
      - (3) The porch abuts both the façade containing the entrance and a façade facing the alley; or
    - c. Faces the side of the lot and meets all the following conditions:
      - (1) The entrance opening is no more than 8 feet from the building façade facing the alley and nearest the alley.
      - (2) The entrance provides direct resident access to a head-in parking area on the same side of building.
      - (3) The entrance includes a covered porch of at least 20 square feet.
      - (4) The façade facing the alley includes windows that total at least 8 feet wide when measured at 5' above the floor of the first story and that have a minimum area of at least 20 square feet.
  3. One on-site parking space, accessible from the alley, per dwelling is required.

**(4) Main Entrances.**

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- (a) Except as provided in (c), below, on a street-fronting lot that is not an alley access only lot, the residential building closest to the street shall include a main entrance that meets one of the following conditions:
    - 1. Faces the street; or
    - 2. Faces the side of the lot and meets all the following conditions:
      - a. The main entrance opening is not more than 8 feet from the building façade facing the street and nearest the street;
      - b. The main entrance includes a covered porch of at least 30 square feet;
      - c. The porch abuts both the façade containing the main entrance and a façade facing the street.
  - (b) Except as provided in (c), below, on corner lots with more than one residential building, all residential buildings shall include a main entrance that meets the requirements of subsection (a).
  - (c) Notwithstanding (a) and (b), above, where three or more dwellings have ground-level entrances on two or more sides of a common courtyard that is open to a street for at least 20 feet, the dwellings' main entrances may face the courtyard. **(See Figure 9.3625(4)(c))**
- (5) Garage Door Standards.**
- (a) Except for a garage accessed from an alley, only one garage door, with maximum width of 9 feet and maximum height of 8 feet, is allowed within 30 feet of any portion of a lot line that abuts a street.
  - (b) For a garage accessed from an alley, one garage door 18 feet wide and 8 feet high or 2 garage doors 9 feet wide and 8 feet high, are permitted.
- (6) Driveway Standards.** In lieu of any conflicting standards in EC 7.410 Driveways – Curb cut, the following standards shall apply:
- (a) Street Access Driveway Curb Cuts and Width. Driveways that are accessed from a street must meet all the following requirements:
    - 1. Except as provided in (7), below, a lot shall have no more than one curb cut on each street that the lot abuts.
    - 2. The maximum curb cut width is limited to 14 feet where the driveway abuts the street, and the driveway must taper to no more than 12 feet within 3 feet of the street curb or edge.
    - 3. The maximum driveway width for a driveway that accesses a single-car garage is 12 feet.
    - 4. No portion of a driveway or parking area shall be wider than 12 feet within 30 feet of any portion of a lot line that abuts a street.
    - 5. For a driveway or parking area located within five feet of an existing driveway or parking area on an adjacent property under common ownership or within the same development site, the maximum total width of the two driveways and/or parking areas is 18 feet within 30 feet of any portion of a lot line that abuts a street.
    - 6. The full width of impermeable surfaces and surfaces with permeable paved surfaces (such as parking areas or walkways) that are within one foot of a driveway shall be included in calculating the driveway width except that one private walkway, no wider than 4 feet within 5 feet of the driveway, may terminate at the driveway. **(See Figure 9.3625(6)(a)6.)**
    - 7. Exception. For a duplex where both main entrances face the same street and the lot is not on the corner of two streets or the corner

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of a street and an alley, two curb cuts and driveways are allowed as long as both curb cuts and driveways meet all of the following conditions:

- a. There must be at least 30 feet between the two curb cuts;
- b. Each curb cut must be at least 5 feet from any curb cut on an adjacent lot;
- c. The maximum curb cut width is limited to 11 feet where the driveway abuts the street, and the driveway must taper to no more than 9 feet within 3 feet of the street curb or edge; and
- d. No portion of a driveway or parking area shall be wider than 9 feet within 30 feet of any portion of a lot line that abuts a street.

**(See Figure 9.3625(6)(a)7.)**

- (b) Alley-Access Driveway Width. The maximum driveway and/or parking area width is 18 feet within 30 feet of any portion of a lot line that abuts the alley.
- (c) Adjustment. The driveway width standards in this subsection (6) may be adjusted based on the criteria of EC 9.8030(26)(1).

**(7) Parking Standards.**

- (a) Except as provided in (3)(d)3. above, each dwelling shall have one on-street or on-site vehicle parking space for every three bedrooms, rounded up to the next whole number (i.e. a four-bedroom dwelling must have at least two parking spaces). For purposes of this subsection, each uninterrupted twenty feet of lot line that abuts a street right-of-way where parking is legal within the entirety of that twenty feet shall count as one on-street parking space. The twenty feet may not include any portion of a curb cut.
- (b) No portion of a vehicle parking area may be located in the area defined by the Street Setback minimum standard (i.e., from which structures, other than permitted intrusions, are excluded) or between the street and the residential building façade that faces, and is closest to, the street.

**(See Figure 9.3625(7)(b)).**

- (8) The following Table 9.3625 sets forth the S-JW Special Area Zone development standards, subject to the special development standards in EC 9.3626.

<b>Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)</b>	
<b>Density(1)</b>	
<b>Minimum Dwellings Per Lot</b>	
Lots less than 13,500 Square Feet	--
Lots 13,500 square feet and larger	1 dwelling per lot for every 6,750 square feet (fractional values are rounded down to the nearest whole number)
<b>Maximum Dwellings Per Lot(1)</b>	
Alley Access Only Lot	1 dwelling per lot
Lots less than 2,250 square feet	No additional dwellings after December 14, 2009
Lots between 2,250 and 4,499 square feet	1 dwelling per lot
Lots between 4,500 and 8,999 square feet	2 dwellings per lot

<b>Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)</b>	
Lots 9,000 square feet and larger	1 dwelling per lot for every 4,500 square feet (fractional values are rounded down to the nearest whole number)
<b>Maximum Building Height (2) (9)</b>	
<b>Minimum Building Setbacks (3) (4) (5) (9)</b>	
<b>Maximum Lot Coverage (6) (7)</b>	<b>50%</b>
<b>Maximum Vehicle Use Area (6)</b>	<b>20%</b>
<b>Common and Private Open Space (7)</b>	
<b>Fences (8)</b>	
(Maximum Height Within Interior Yard Setbacks)	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches

(Section 9.3625 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010.)

**9.3626 Special Development Standards for Table 9.3625.**

- (1) **Density.** For purposes of determining the maximum allowable dwellings on a lot:
- (a) A dwelling with five or fewer bedrooms that is the only dwelling on a street-abutting lot that is at least 4,500 square feet shall be counted as one dwelling.
  - (b) Two dwellings that together have a total of six or fewer bedrooms, and that are the only dwellings located on a street-fronting lot that is at least 4,500 square feet, and where at least one residential building on the lot has a front facade that faces a street and is within the street maximum setback, shall be counted as two dwellings.
  - (c) For cases not covered by sections (a) and (b), above, the dwelling count shall be the sum of the dwelling counts calculated under the following subsections:
    1. The total dwelling count for all dwellings with three or fewer bedrooms shall be the number of dwellings,
    2. The total dwelling count for all dwellings with four or more bedrooms shall be the total number of bedrooms in these dwellings divided by three. Fractional dwelling counts resulting from this calculation shall be rounded up to the next whole number, e.g. a total of seven bedrooms counts as three dwellings.
  - (d) Dwelling counts shall be recalculated as part of the City's consideration of any new development proposing to increase the number of dwellings or bedrooms on a lot. The proposed change shall not be permitted unless the new dwelling count will comply with all applicable standards in this section.
  - (e) In addition to the Maximum Dwellings Per Lot allowed by Table 9.3625, one additional dwelling may be established on a lot that is between 9,000 square feet and 12,499 square feet, and up to two additional dwellings may be established on a lot that is 13,500 square feet or larger, so long as:
    1. No residential building on the lot has more than two dwellings;
    2. No dwelling on the lot has more than three bedrooms; and

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3. No dwelling added to the lot after December 14, 2009, or that is on a lot that has more than the number of dwellings allowed on the lot by Table 9.3625 has more than 800 square feet of living area or any point (other than chimney) higher than 18 feet.
  - (f) Multi-lot developments. A multi-lot development site is treated as one area for calculating allowable dwellings. (I.e., allowable dwellings are not the sum of individual lots' allowable dwellings). A multi-lot development site cannot include an alley access only lot or a lot less than 4,500 square feet.
- (2) Building Height. (See Figure 9.3626(2)(3)(4)).**
- (a) Residential buildings.
    1. On a street-fronting lot that is not an alley access only lot, the maximum height of any part of a residential building within 60 feet of the lot line abutting the street is:
      - a. For any section of a roof that has at least a 6:12 pitch (i.e. a slope of 6 inches vertically for every 12 inches horizontally) for the entire roof section: 30 feet.
      - b. Otherwise: 18 feet.
      - c. For a lot that meets the definition of "Street-fronting lot" with respect to more than one street, the 60 foot distance shall be measured from the shortest lot line that meets the requirements under the definition of "Street-fronting lot."
    2. The maximum height of any part of a residential building not covered under subsection 1., above, is 18 feet.
    3. Chimneys on residential buildings may exceed the maximum height limits by no more than 5 feet.

**(See Figure 9.3626(2)(a)).**

  - (b) The maximum height of any part of a garage or building that is not a residential building is 15 feet.
  - (c) The height of any part of a structure shall be measured as its vertical distance above grade.
- (3) Alley and Street Setbacks. (See Figure 9.3626(2)(3)(4)).**
- (a) Alley minimum setback. Except as provided under subsection (a)1., below, all buildings shall be set back a minimum of the distance specified in subsections 1. and 2., below, from any portion of a lot line that abuts an alley and from any alley right-of-way easement, whichever would result in a greater setback distance.
    1. Residential buildings: 5 feet. All intrusions allowed by EC 9.6745 ("Setbacks-Intrusions Permitted") and not explicitly prohibited by other provisions applicable in the S-JW Special Area Zone are allowed but no intrusion may penetrate more than two feet into the setback.
    2. Other structures: 2 feet. No intrusions are allowed.
  - (b) Street setback.
    1. Residential buildings.
      - a. Minimum setback shall be:
        - (1) 15 feet from any portion of a lot line that abuts a street and from any street right-of-way easement, whichever would result in a greater setback distance; or

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- (2) The average setback distance to the widest portion of the front facades of the two nearest residential buildings, one on each adjacent property on the side of the subject property, that face the same street, but not less than 10 feet; or
  - (3) Where there are not two dwellings as described in (2), above, one half the sum of 15 feet plus the setback distance to the widest portion of the front facade of the nearest residential building on a different property that faces the same street, but not less than 10 feet
  - (4) All intrusions allowed by EC 9.6745 ("Setbacks-Intrusions Permitted") and not explicitly prohibited by other provisions applicable in the S-JW Special Area Zone are allowed. No intrusion may penetrate closer than 10 feet from any portion of a lot line that abuts a street and from any street right-of-way easement.
- b. Maximum setback on a street-fronting lot that is not an alley access only lot:
- (1) At least one residential building on the lot must have at least 25 feet or 100 per cent, whichever is less, of its main facade width located within 30 feet of the portion(s) of a lot line that abuts the street or the easement that the main facade faces.
  - (2) The maximum front yard setback can be increased to one of the following measurements, but to no more than 35 feet:
    - (A) The average setback distance to the widest portion of the front facades of the two nearest residential buildings, one on each adjacent property on the side of the subject property, that face the same street; or
    - (B) Where there are not two such dwellings as described in (A), one half the sum of 30 feet plus the setback distance to the widest portion of the front facade of the nearest residential building on a different property that faces the same street.
  - (3) On a corner lot (i.e., a lot that has abuts two intersecting streets), the street minimum setback requirement may be reduced to 10 feet for no more than a 30-foot extent of one residential building on one of the streets, when that residential building meets the following conditions:
    - (A) The residential building has a main entrance that meets the requirements in EC 9.3625(4) with respect to a different street and complies with the 15 foot minimum street setback requirement with respect to that street; and
    - (B) No dwelling in the residential building has a main entrance within the extent of the façade to which the 10 foot setback applies.



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2. Garages and buildings that are not residential buildings shall meet the following minimum setback requirements:
  - a. 21 feet from any portion of a lot line that abuts a street and from any street right-of-way; and
  - b. On all lots except alley access only lots: 6 feet behind the street-facing façade, other than the façade of an attached garage, that is furthest from the street of the residential building closest to the street that the garage or non-residential building faces.
- (c) Special setback provisions may also apply, see EC 9.6750 Special Setback Standards.
- (4) Interior Yard Setbacks. (See Figure 9.3626(2)(3)(4)).** For purposes of this subsection, “generally parallel” shall mean within 30 degrees of parallel, and the term “generally perpendicular” shall mean within 30 degrees of perpendicular. Except as provided in subsections (c) through (f) of this subsection:
  - (a) For a street-fronting lot that is not an alley access only lot, for any portion of an interior lot line that is located within 60 feet of a lot line abutting a street and generally perpendicular to the side of the lot along which the interior lot line lies: The setback shall be at least 5 feet from the interior lot line and a minimum of 10 feet from structures on other lots. In addition, at a point that is 12 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from the lot line. **(See Figure 9.3626(4)(a)(b)).**
  - (b) Setbacks from all other portions of interior lot lines, not covered in subsection (a), shall be at least 5 feet from the interior lot line and a minimum of 10 feet from structures on other lots. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from the lot line. **(See Figure 9.3626(4)(a)(b)).**
  - (c) All intrusions allowed by EC 9.6745 (“Setbacks-Intrusions Permitted”) and not explicitly prohibited by other provisions applicable in the S-JW Special Area Zone are allowed, except that:
    1. The maximum extent of allowable intrusions into the sloped portion of a setback shall be measured horizontally from the sloped plane of the setback.
    2. No wall or surface of a building that is an intrusion allowed under EC 9.6745(2) and that is over 20 square feet shall be closer than 10 feet to any residential building’s wall or surface that is over 20 square feet on an adjacent property.
  - (d) On a street-fronting lot that is not an alley access only lot, a residential building with a main roof that is gabled or hipped and has a ridgeline generally parallel to a lot line abutting the street may have a single gable or hipped portion on each side of the building intrude into the sloped portion of the interior yard setback, as long as the entire intrusion is within 60 feet of the respective lot line abutting the street and the maximum width of the part of the building that penetrates the sloped setback is 35 feet.

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- (e) A residential building may have a maximum of 4 dormers, with a maximum of 2 dormers per side of the roof, that intrude into the sloped portion of an interior yard setback, as long as each dormer that intrudes on the setback meets all the following requirements:
    - 1. Has at least 4 square feet of window(s) in the end (face) wall.
    - 2. Has a minimum setback of 7 feet from interior lot lines and is a minimum of 10 feet from structures on other lots.
    - 3. Maximum width.
      - a. There is no maximum width for a dormer that has an end (face) wall that does not face a street and is setback at least 30 feet from the nearest lot line segment the end wall faces.
      - b. The maximum width for all other dormers that intrude into the setback is 10 feet measured between the sidewalls or maximum roof opening, whichever is greater.
    - 4. The dormer's sidewalls (if any) are setback a minimum of 2 feet from the nearest generally parallel outer wall of the building to which the dormer is attached.
  - (f) Exceptions.
    - 1. Structures may intrude into the sloped portion of any interior yard setback as long as the lot owner secures and records in the office of the Lane County Recorder a maintenance access easement adjacent to intrusive side of the structure. The easement shall provide a 5-foot wide access the entire length of the intrusion and 5 feet beyond both ends, and require a 10-foot separation between buildings on separate lots. The easement shall be on a form provided by the city, shall be approved by city staff, and be subject to review and payment of a fee set by the city manager.
    - 2. Structures may intrude into an interior yard setback arising from a lot line between an alley access only lot and the lot between the alley access only lot and the street, as long as the property owner secures and records a maintenance access easement as described in 1, above.
  - (g) Easements. Except where buildings abut or share a common wall, the owner of a lot or parcel with an interior yard of less than 5 feet from the adjacent property line must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to that side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends, and require a 10-foot separation between buildings on separate lots. The easement shall be on a form provided by the city, shall be approved by city staff, and be subject to a review and payment of a fee set by the city manager. There shall be no projection of building features into this easement.
- (5) Window Setback above First Floor.** For purposes of this subsection, "generally parallel" shall mean within 30 degrees of parallel.
- (a) Except as provided in (b), windows above the first floor shall be setback a minimum of 10 feet from interior lot lines.
  - (b) Windows that are within 60 feet of a lot line abutting the street of a street-fronting lot that is not an alley access only lot, and that are in a gable or hipped end of a residential building with a main roof ridgeline

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- generally parallel to the respective lot line abutting the street, are excluded from the setback requirement in (a), above.
- (6) The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, is 20 percent of the total development site area.
- (7) **Common and Private Open Space. (See Figure 9.3626(7)).**
- (a) All developments of three or more dwellings (as calculated under EC 9.3626(1)) shall include common or private open space, or a combination thereof, that equals or exceeds the greater of the following two areas:
1. 20% of the development site area.
  2. 25% of total living area.
- (b) Any common open space intended to meet the requirements of this subsection (7) may include only those the areas listed under EC 9.5500(9)(a)1.a. and b. No indoor area may be counted as common open space.
1. The minimum area for any common open space shall be 250 square feet.
  2. The boundaries of any area counted as common open space must be sufficient to encompass a square with 15 foot sides.
- (c) Any private open space intended to meet the requirements of this subsection (7) shall be consistent with EC 9.5500(9)(b).
- (d) An open space credit shall be allowed consistent with EC 9.5500(9)(a)2.e. for qualifying setback areas with minimum dimensions of 15 feet by 15 feet. The EC 9.5500(9)(c) credit for public parks is not allowed.
- (8) **Fences.**
- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751(14)(b)1.)**
  2. Fences up to 6 feet in height are permitted within the required interior yard setback.
  3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
  4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.
- (9) Maximum building height and minimum building setbacks 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.

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(Section 9.3626 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; amended by Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012.)

**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.

<b>Table 9.3630 S-JW Jefferson Westside Special Area Zone Lot Standards (See EC 9.3631 Special Standards for Table 9.3630.)</b>	
<b>Lot Area Minimum (1)</b>	
Lots, except Small Lots, Alley Access Only Lots	4,500 square feet
Small Lots (2)	2,250 square feet or per Cluster Subdivision or PUD
Alley Access Only Lots (4)	2,250 square feet
<b>Frontage Minimum (1)</b>	
Interior Lot	45 feet
Corner Lot	45 feet
Lot Area Maximum (3)	13,500 square feet

(Section 9.3630 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010.)

**9.3631 Special Standards for Table 9.3630.**

- (1) (a) Lot frontage requirements may be met by a lot that abuts a street or an alley continuously for the required length indicated in Table 9.3630.
- (b) A lot must be of sufficient size and/or have sufficient on-street parking to meet applicable vehicle parking requirements under EC 9.3625(3)(b)4 or EC 9.3625(7) for one dwelling, or all existing dwellings on the lot at the time the lot is created, whichever is greater.
- (c) Rectilinear shape. A lot line segment is a portion of the boundary line of a lot that is bounded on each end by an angle and that contains no angles within the line segment. (The point at which a straight line intersects a curved line is considered an angle.)
1. All lot line segments must be straight lines and intersect at right angles (90 degrees).
  2. Exceptions
    - a. Lot line segments may intersect at an angle between 85 and 95 degrees to the extent that will produce a lot with at least four sides and a lot boundary with fewer angles than could be accomplished using only right angles.
    - b. An angle between 45 and 135 degrees is allowed where a new lot line intersects a lot line segment that existed prior to December 14, 2009, and the existing lot line segment did not intersect both its adjoining lot line segments at right angles.
- (d) A lot's boundaries must be sufficient to fully encompass a rectangle of the following size:
1. Alley access only lots: 45'x35'
  2. Other lots: 45'x45'
- (See Figure 9.3631(1)(d)(e)).**
- (e) Minimum interior lot dimension. **(See Figure 9.3631(1)(d)(e)).** The minimum distance between any two non-intersecting lot line segments is

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- 35 feet when measured by a straight line that does not begin or end at an intersection of any two lot line segments and that lies entirely within the lot's boundaries.
- (f) The Property Line Adjustment provisions at EC 9.8400 through 9.8420 are available within the S-JW zone only for adjustment of a portion of a lot line that existed in its current location as of December 14, 2009. Such lot lines may be adjusted by up to 5 feet, measured perpendicularly from the lot line's current location, and consistent with all other applicable lot standards. A Property Line Adjustment allowed under this section may be up to 10 feet if the adjustment is necessary to accommodate an encroachment that existed as of December 14, 2009,.
  - (g) A lot must have the capacity for vehicular access from an alley or street consistent with access standards in the EC.
  - (h) The creation of a new flag lot is prohibited in the S-JW Jefferson Westside Special Area Zone.
- (2)** Other than an alley access only lot, a lot with an area of less than 4500 square feet:
- (a) May be created only if:
    - 1. The original lot from which the small lot is created abutted a street for at least a continuous 45 feet and was at least 6,750 square feet prior to the creation of the small lot; and
    - 2. Shall not have an existing dwelling that has more than three bedrooms.
    - 3. Only one "small lot" may be created from any portion of a lot that exists as of December 14, 2009.
  - (b) No new dwelling with more than three bedrooms is allowed on a small lot.
- (3)** Exceptions to the maximum lot size shall be granted if any of the following is met:
- (a) Existing physical circumstances such as topographically constrained lands, conservation easements, existing buildings, or utility easements prevent the ability to further divide the lot.
  - (b) The lot exceeding the maximum lot size is intended to reserve a large lot for future land division with feasibility demonstrated by a conceptual buildout plan.
  - (c) The subdivision achieves a minimum density of 9 units per net acre.
  - (d) The exception will enable protection of natural resources.
- (4)** An alley access only lot may be created only if:
- (a) The original lot from which the alley access only lot is created abuts a street for at least a continuous 45 feet and is at least 6,750 square feet prior to the creation of the alley access only lot;
  - (b) Only one alley access only lot may be created from any portion of a lot that exists as of December 14, 2009; and
  - (c) A new alley access only lot must include the entire portion of the original lot's lot line that abuts the alley.

*(Section 9.3631 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010.)*

**9.3640 Non-Conforming Development.**

- (1) Existing development that does not meet the lot coverage or open space requirements at EC Table 9.3625, 9.3626(6) or (7) must be brought into conformance with the lot coverage and open space standards in those code sections only when any additional dwelling is created or the number of bedrooms in any dwelling is increased to four or more. However, no development may increase the extent of non-conformance.
- (2) Existing development that does not meet the driveway or parking requirements at EC 9.3625(3), (6) or (7) must be brought into conformance with those driveway and parking standards only when:
  - (a) An additional dwelling is created on the lot;
  - (b) The number of bedrooms in any dwelling on the lot is increased to four or more; or
  - (c) The proposed development would otherwise result in an increase in the extent of the existing driveway's or parking area's non-conformance.
- (3) A non-conforming driveway or parking area may be paved or re-paved to the extent of the driveway or parking area that existed as of December 14, 2009, without having to be brought into conformance.
- (4) Legally established buildings and uses conforming to the residential net density requirements in the R-2 zone on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the S-JW Jefferson Westside Special Area Zone on which residential buildings and uses existed, or in which a development permit or land use application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards for the S-JW Jefferson Westside Special Area Zone.

*(Section 9.3640 added by Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010.)*

## S-RP Riverfront Park Special Area Zone

**9.3700** **Purpose of S-RP Riverfront Park Special Area Zone.** The fundamental purpose of the S-RP Riverfront Park Special Area Zone is to provide for activities and uses that complement the research and educational functions of the Oregon State System of Higher Education in general and the University of Oregon in particular. It is expressly intended that industrial, commercial, and general or professional offices which have no correlation with those research or educational functions and which could be located within other zones in the city not constitute the primary form of development within the Riverfront Park Special Area Zone. Within the context of this fundamental purpose, the objectives of the Riverfront Park Special Area Zone may be more specifically described as follows:

- (1) To carry out the policies of the Riverfront Park Study and other applicable plans.
- (2) To encourage a range of primary uses that complement the research and educational activities of the Oregon State System of Higher Education in general and the University of Oregon in particular.
- (3) To provide for supporting manufacturing and accessory uses incidental to the primary uses permitted.
- (4) To recognize the natural amenities of the site, balancing the opportunity for development to use those amenities with the public's interest in proper protection and, where appropriate, use of them.
- (5) To provide a regulatory context that allows development of a successful research and development park of benefit to both the University of Oregon and the metropolitan area.
- (6) To provide a review process that encourages a design characterized by diversity of building mass and other features which foster a sense of interest in and excitement about the development and which complement the Willamette River and the Millrace.

*(Section 9.3700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3705** **S-RP Riverfront Park Special Area Zone Siting Requirements.** According to EC 9.8865 Zone Change Approval Criteria, the following siting requirements apply:

- (1) The S-RP Riverfront Park Special Area Zone is intended for application to properties included within the boundaries of the Riverfront Park Study, an area generally located between the Willamette River and Franklin Boulevard.
- (2) In accordance with the Riverfront Park Study, the S-RP Riverfront Park Special Area Zone is intended for application to property owned by the Oregon State System of Higher Education within the designated area; it may be applied to other properties within the area at the property owner's request.

*(Section 9.3705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3710** **S-RP Riverfront Park Special Area Zone Permitted Uses.** The following uses shall be permitted within the S-RP Riverfront Park Special Area Zone, pursuant to EC 9.3725 S-RP Riverfront Park Special Area Zone Review Procedures:

- (1) **Primary Uses.** The following activities and uses are considered to be the primary types to be encouraged within this zone:
  - (a) Programs and activities carried out by institutions of the Oregon State System of Higher Education.

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- (b) Laboratories, offices, and other non-manufacturing facilities for basic or applied research and development that complement the research and educational activities of the Oregon State System of Higher Education in general or the University of Oregon in particular.
- (c) Conference facilities and meeting rooms.
- (2) **Manufacturing Uses.** Prototype and product manufacturing or production is permitted, provided:
  - (a) The manufacturing is directly related to a primary use located within the zone.
  - (b) The area devoted to manufacturing does not exceed 40 percent of the gross floor area devoted or applied to the primary use to which the manufacturing is related.
- (3) **Accessory and Supporting Uses.** Accessory and supporting uses are permitted, provided that the gross floor area devoted to the accessory and supporting functions does not exceed 25 percent of the gross floor area within a development site. (As used in this and subsequent sections of the S-RP zone provisions, the term “development site” means the total land area under common control, such as the total area subject to a land lease). Examples of accessory and supporting uses include: retail sales of goods and food service such as book stores, office supplies, delicatessen, and similar activities; service functions such as finance, day care, and similar activities; administrative and office support functions; accessory manufacturing activities such as specialized machining; indoor storage and distribution when integral to a primary use within the zone; multiple-family dwellings; and recreational facilities. Recreational facilities available to the general public at no cost shall not be classified as accessory or supporting uses when computing the floor area under the 25-percent limitation stipulated above.
- (4) **Interim Uses.** It is anticipated that development within the S-RP zone will occur incrementally. At any time there may be space available for lease either as a result of construction of new facilities or relocation of tenants within a development site. Interim use of vacant space for general or professional office use is only permitted, subject to the following limitations:
  - (a) The space to be devoted to interim use must have been vacant for at least 3 months.
  - (b) The gross floor area devoted to interim uses shall not exceed 40 percent of the gross floor area in a development site during the first 10 years following issuance of the first certificate of occupancy and shall not exceed 20 percent of the gross floor area in the development at any time thereafter.
  - (c) The maximum term of a lease or sublease for interim space utilization permitted here shall not exceed 5 years.Prior to allowing occupancy of any space within a development site for interim use, the owner or developer shall obtain a certificate of occupancy for that space and submit the following data to the planning and development director:
  - (d) Data verifying compliance with subsections (4)(a) and (4)(b) above.
  - (e) A copy of the lease or sublease agreement which sets forth the term of that lease or sublease.

Any structure located within the zone that is constructed and used by the Oregon State System of Higher Education shall be excluded in the computation of gross floor area when calculating the percentage of the



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development site that may be devoted to interim use.

(Section 9.3710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.3715** **S-RP Riverfront Park Special Area Zone Development Standards.** In order to allow an overall development that is consistent with the purpose and intent of the S-RP Riverfront Park Special Area Zone as well as its unique location adjacent to the Willamette River and Millrace, the following development standards shall prevail. In the event the development standards here conflict with the general standards of this land use code, the standards provided here supersede any conflicting provisions.

**(1) Parking Requirements.** The parking requirements for new construction provided here attempt to balance encouragement of use of alternative travel modes with the need for automobile storage; more parking than the minimums specified here may need to be provided. Parking and off-street loading areas shall be designed, laid out, and constructed in accordance with the parking area design, improvements, buffering, and dimensions as specified in EC 9.6420 Parking Area Standards. Required parking shall be determined for each separate occupancy within a building or on a development site. For example, in a combined industrial and office business, parking shall be required for the industrial use at a ratio of one space per 500 square feet and the office portion at one space per 400 square feet. Required parking shall be located within 400 feet of structures to be served unless a greater separation is specifically approved through the master development plan approval process. For that portion of the special area zone located between the Willamette River and the railroad tracks, up to 50 percent of the required parking may be provided north of the Willamette River if approved through the master site plan approval process as outlined in EC 9.3725 S-RP Riverfront Park Special Area Zone Review Procedures. Required parking may be provided through joint use of parking facilities, subject to the requirements of EC 9.6430 Shared Off-Street Parking.

(a) Required parking shall be provided at the following ratios, rounded up to the nearest whole number:

1. Industrial uses - 1 for each 500 square feet of gross floor area.
2. Retail uses - 1 for each 300 square feet of gross floor area.
3. Office uses - 1 for each 400 square feet of gross floor area.
4. University uses - 1 for each 400 square feet of gross floor area.
5. Multiple-family dwellings - 1 for each dwelling unit, plus 1 guest parking space for each 3 units.

(b) Bicycle parking: Bicycle spaces shall be provided as follows:

1. Non-residential uses - the minimum number of spaces shall equal 15 percent of the number of required automobile spaces.
2. Multiple-family dwellings - 1 space per unit.
3. Locking and cover shall be provided for all required spaces.
4. Required spaces shall be located no farther than 2 times the distance between building entrances used by automobile occupants and the automobile parking spaces closest to those entrances.
5. Each required space must be at least 6 feet long and 2 feet wide, with a minimum overhead clearance of 6 feet.

**(2) Setback Requirements.** Development within the S-RP zone shall comply with the following setbacks:

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- (a) All structures, parking areas, streets, and access drives shall maintain a minimum setback of 35 feet from the top of the south bank of the Willamette River. A map indicating the location of the top of the south bank is on file with the city's planning and development department.
- (b) All structures, parking areas, streets, and access drives shall maintain a minimum setback of 15 feet from the south side of the bicycle path located (or as to be relocated) adjacent to the top of the river bank. If the setback specified herein requires a greater distance than the 35 feet specified under Section 9.3715(2)(a), the greater distance shall be maintained.
- (c) Solar access shall be provided to at least 60 percent of the following designated areas:
  - 1. The south bank of the Willamette River.
  - 2. The bicycle path located (or as to be relocated) adjacent to the top of the river bank.
  - 3. The Autzen Stadium footbridge protection area defined in Section 9.3715(2)(e) below.
  - 4. Active recreation areas defined in the master site plan.The solar access required herein shall be provided at noon from February 21 to October 21 of any year. If building setbacks necessary to ensure this solar access are greater than would otherwise be required, the greater setback shall be required.
- (d) The Millrace shall be maintained as an open channel through the S-RP zone with the following setbacks:
  - 1. No structure, street, access drive, or parking area shall be located adjacent to the east Millrace outfall within the area defined by the bicycle path as it existed on May 11, 1987. This area is indicated on the map referenced in subsection (2)(a) of this section.
  - 2. No structure, street, access drive, or parking area shall be located within 15 feet of the top of the banks of the Millrace in all areas within the S-RP zone except for the area described under EC 9.3715(2)(d)1. above where a greater setback is required. Except for the east Millrace outfall area described under EC 9.3715(2)(d)1. above, street or access drive crossings that are needed for circulation may be approved as part of the master development plan.
- (e) All structures and parking areas shall maintain a setback of 50 feet on both sides of a straight line between the existing pedestrian underpass under the railroad tracks and the Autzen Stadium footbridge to provide visual linkage between the two structures. This area is indicated on the map referenced in subsection (2)(a) of this section.
- (f) Multiple-family dwellings shall have interior yards of not less than 10 feet between buildings, without regard as to the location of the property line, or no interior yards required if the buildings abut or have a common wall, except where a utility easement is recorded adjacent to an interior lot line, in which event there shall be an interior yard of no less than the width of the easement.
- (g) Except as provided above, all structures other than multiple-family dwellings shall have no setback requirements.

Public improvements, including pedestrian and bicycle trails, public plazas,

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and similar amenities, but excluding roads and parking areas, are exempt from the setback requirements specified above.

- (3) **Required Building Separation and Profile Offsets.** All buildings located within 75 feet of the top of the south bank of the Willamette River shall observe the following profile and separation requirements:
- (a) The maximum building profile as seen from end to end of the side(s) facing the river shall not exceed 200 lineal feet in total horizontal length.
  - (b) Any building elevation parallel to the river shall not continue along an uninterrupted, continuous plane for more than 100 feet. For the purpose of this requirement, an uninterrupted, continuous plane is a wall having no variation in exterior surface along its length of more than 5 feet as measured at a perpendicular line from the plane of the wall.
  - (c) Each building shall be separated by at least 50 feet from an adjoining building, measured parallel to the river.

No building shall have a total horizontal length of more than 300 feet as measured on its longest axis.

- (4) **Coverage Requirements.** Coverage requirements within the S-RP zone shall be as follows:
- (a) For that portion of a development site allocated for multiple-family residential use, the maximum permitted coverage by buildings and structures shall be 50 percent.
  - (b) For that portion of a development site allocated for all uses other than multiple-family residential, at least 40 percent of that portion of the site to be developed shall be landscaped with living plant materials. Natural areas (e.g., along the Millrace or from the top of the bank along with the Willamette River south) may be included in the 40 percent computation. The amount of open space may be reduced to 30 percent if 40 percent of the required parking for the development or phase thereof is provided either below grade, at grade but under a structure, or in a parking structure.

Public amenities such as plazas, pedestrian or bicycle trails, and similar improvements shall be considered open space when computing coverage. When computing coverage within the S-RP zone, structures owned by the Oregon State System of Higher Education and in existence as of May 11, 1987 shall not be included.

- (5) **Height Limitation.** No portion of a structure located within 75 feet of the top of the south bank of the Willamette River shall exceed 45 feet in height above grade (not to exceed 3 stories). There is no height limitation for a structure or a portion thereof outside the area described above.
- (6) **Signs.** Signs within the S-RP zone shall conform to the provisions of EC 9.6670 Central Commercial Sign Standards, except for any area located within 200 feet of the centerline of Franklin Boulevard in which area the provisions of EC 9.6675 Highway Commercial Sign Standards shall apply. No signs facing the river shall be permitted within 75 feet of the top of the south bank of the Willamette River, except identity signs not exceeding 12 square feet in surface area which are not more than 5 feet above grade if ground-mounted or 10 feet above grade if wall-mounted.

*(Section 9.3715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3720** **S-RP Riverfront Park Special Area Zone Public Facilities.** Within the S-RP zone, the following standards shall govern installation of improvements that are of benefit to the public and ensure public access:

- (1) A continuous, two-way (Class I) bicycle path shall be provided through the development along the river and at other locations designated in the Eugene Bikeways Master Plan.
- (2) Pedestrian-scale lighting shall be provided along the bicycle paths required above.
- (3) Street lights shall be provided along all public streets within the S-RP zone.
- (4) Street trees shall be provided along all public streets within the S-RP zone.
- (5) Setback sidewalks shall be provided along all public streets within the S-RP zone, unless an alternative pedestrian circulation system of substantial equivalency is specifically approved as part of the master site plan approval process.
- (6) Provision shall be made for security, such as lighting, between any parking areas located outside the boundaries of the S-RP zone and the development site the parking is intended to serve.
- (7) All utilities shall be installed underground unless specifically exempted through the master site plan approval process. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

*(Section 9.3720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.3725** **S-RP Riverfront Park Special Area Zone Review Procedures.** The master site plan for developments proposed within the S-RP zone shall be reviewed through the conditional use permit process provided in this land use code. For the purpose of this review, the following criteria shall be applied in lieu of the criteria provided in EC 9.8090 Conditional Use Permit Approval Criteria - General:

- (1) **Criteria for all Development.**
  - (a) The proposed development shall be consistent with the Metropolitan Area General Plan, Riverfront Park Study, and other applicable policy documents or functional plans.
  - (b) Based on technical analysis (particularly with respect to transportation facilities), planned public facilities shall be shown to accommodate the requirements of the proposed development.
  - (c) The proposed development shall protect visual access from main entry points from Franklin Boulevard to the river/riparian vegetation.
- (2) **Criteria for Development Within Willamette Greenway Boundaries.**
  - (a) Compliance with the criteria in EC 9.3725(1) Criteria for all Development above.
  - (b) The height and bulk of the proposed development shall be designed to consider the impacts on public open space, especially the buffer strips along the Willamette River and Millrace, and to adhere to the height limitations specified along the Willamette River. Building setbacks shall be varied to avoid the effect of a continuous wall along the minimum setback line and to adhere to the requirement for protection of designated features (i.e., Millrace and pedestrian linkage to the Autzen Stadium footbridge).
  - (c) To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open

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- space, or vegetation between the activity and the river.
- (d) To the maximum extent practicable, the proposed development shall provide for protection and enhancement of the natural vegetative fringe along the Willamette River. This means protection and enhancement of trees and understory characteristic of native vegetation within the riparian strip along the Willamette River. It also means removal, and active management to prevent reintroduction of, disturbance vegetation such as Himalayan blackberries and English ivy. As used herein, the riparian strip means the area between the top of the river bank and the water's edge.
  - (e) To the greatest possible degree, necessary and adequate public access will be provided to and along the river by appropriate legal means. As used in this section, the words "greatest possible degree" are drawn from Statewide Planning Goal 15 (F.3.b.) and are intended to require a balancing of factors so that each of the identified Greenway criteria is protected to the greatest extent possible without precluding the requested use. Goal 15 (C.3.j.) provides that "lands committed to urban uses within the Greenway shall be permitted to continue as urban uses."
- (3) Interpretation.** In the event any of the terms used in these S-RP zone provisions require interpretation, the planning and development director shall be responsible for such interpretation.

*(Section 9.3725, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02.)*

**9.3730 S-RP Riverfront Park Special Area Zone Required Reporting.** In order to ensure that the primary purpose of the S-RP zone is preserved, the owner or the developer of the property within the zone shall submit an annual report to the planning and development director that provides data demonstrating that:

- (1) Primary use(s) within a development site complement the research or educational activities of the Oregon State System of Higher Education.
- (2) Accessory and supporting uses do not occupy more than 25 percent of the gross floor area within a development area at any time.
- (3) Product manufacturing carried out in conjunction with a primary use does not exceed the 40 percent limitation of EC 9.3710(2)(b).
- (4) Interim uses do not occupy more than the specified percentage of the gross floor area within a development site at any one time.

In the event there is more than one owner or developer involved in development within the S-RP zone, the provisions concerning manufacturing, accessory and support uses, and interim uses apply to each development site. Each owner or developer shall submit the required annual report verifying compliance with the provisions of this S-RP zone. Failure to submit the annual report required under this section or failure to adhere to the specifications of the requirements in this section shall constitute a violation subject to the enforcement provisions of sections 9.0000 through 9.0280 General Administration. Such failure shall also constitute grounds for withholding further development permits and/or certificates of occupancy within a development site until the violation has been remedied.

*(Section 9.3730, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02.)*

## 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:

- (1) The overall street system and internal circulation systems for large developments shall provide for a circulation network that encourages walking, bicycling and transit use;
- (2) Local streets shall be designed with narrow lane widths to reduce vehicle speeds, reduce construction costs, and meet stormwater goals;
- (3) On-street parking shall be provided on all streets within the node, except alleys;
- (4) Alleys shall be used, whenever possible, to provide service and parking access to residential and commercial developments within the node.
- (5) The street system shall be designed to discourage cut-through traffic seeking an alternative to travel on arterial and collector streets;
- (6) A coordinated system of striped bicycle lanes, on-street bicycle routes, and off-street bicycle paths shall be developed within the node;
- (7) Residential development shall achieve an overall density of 12 dwelling units per net acre for the entire development site;
- (8) A mix of housing densities, ownership patterns, prices, and building types shall be developed in the node;
- (9) Open space areas adjacent to the node shall be integrated into the overall design concept for the node;
- (10) Existing drainageways shall be maintained and enhanced;
- (11) Homes located along major streets shall be placed so as to face the street;
- (12) Streets that front on neighborhood parks shall be lined with homes that face the park;
- (13) Residential accessory units shall be allowed and promoted as a means of increasing density of development in the area;
- (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 housing with reduced lot widths;
- (15) Multi-family 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 developments shall front onto public and private streets with building entrances visible from the street;
- (17) Setbacks and building designs for multi-family 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-family, commercial, and mixed-use developments shall connect to local or collector streets, via alleys whenever possible, rather than arterial streets;
- (21) Commercial buildings shall be designed so as to stimulate the creation of high-quality pedestrian use areas and are situated so as to define the street right-of-way;

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- (22) Commercial buildings shall be designed with building entrances fronting on the street and with street-facing facades that contain windows; and
- (23) A mixture of retail, service, education, office and higher-density residential uses shall be developed in the node.

*(Section 9.3800 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)*

**9.3805 S-RN Royal Node Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be included within the area depicted on Map 9.3805 S-RN Royal Node Special Area Zone and Subareas. When property is rezoned to S-RN, as part of the rezoning process, the City shall identify the subarea designation applicable to the property. Within the S-RN Special Area Zone, the 7 subareas are:

- (1) S-RN/LDR (low density residential);
- (2) S-RN/MDR (medium density residential);
- (3) S-RN/MSC (main street commercial);
- (4) S-RN/CMU (commercial mixed use);
- (5) S-RN/RMU (residential mixed use);
- (6) S-RN/PRO (park, recreation and open space); and
- (7) S-RN/NR (natural resources).

The applicable subarea shall be that shown on Map 9.3805 unless a different subarea designation is found to be consistent with EC 9.3800 Purpose of S-RN Royal Node Special Area Zone.

*(Section 9.3805 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)*

**9.3808 S-RN/NR Royal Node Natural Resources Subarea and S-RN/PRO Royal Node Park, Recreation and Open Space Subarea Regulations.** Land use and development within the S-RN/NR subarea shall be governed by the code sections applicable in the NR Natural Resources Zone. Land use and development within the S-RN/PRO subarea shall be governed by the code sections applicable in the PRO Park, Recreation and Open Space Zone.

*(Section 9.3808 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)*

**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.

<b>Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements</b>
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	LDR	MDR	RMU	CMU	MSC
<b>Accessory Uses</b>					
Accessory Uses. <u>Examples</u> related to residential use 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 constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use. <u>Examples</u> related to non-residential use include storage and distribution facilities incidental to the primary use of the site.	P	P	P(6)	P(7)	P(8)
<b>Agricultural, Resource Production and Extraction</b>					
Community and Allotment Garden	P	P	P(6)	P(7)	
Horticultural Use			P(6)	P(7)	
Urban Animal Keeping, including pastureland (See 9.5250)	S	S			
<b>Cultural, Religious, Social and Fraternal</b>					
Church, Synagogue, and Temple, including associated residential structures for religious personnel, but excluding elementary through high school	C(5)	C(5)			
Community and Neighborhood Center			P	P	P
<b>Eating and Drinking Establishments</b>					
Bar and Tavern			C(6) (3)	C(7) (3)	C(8) (3)
Delicatessen, Coffee, Bagel, Donut Shop			P(6) (3)	P(7) (3)	P(8) (3)
Restaurant			P(6) (3)	P(7) (3)	P(8) (3)
<b>Entertainment and Recreation</b>					
Amusement Center (Arcade, pool tables, etc.)			C(6) (3)	C(7) (3)	P(8) (3)
Artist Gallery/Studio			P(6) (3)	P(7) (3)	P(8) (3)
Athletic Facility and Sports Club	C	C	P(6) (3)	P(7) (3)	P(8) (3)
Athletic Field, Outdoor	C	C			
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio			P(6) (3)	P(7) (3)	P(8) (3)
Park and Playground (Refer to Park, Recreation, and Open Space zone for examples of activities within this use.) See EC 9.2640	P	P	P(6)	P(7)	P(8)
Theater, Live Entertainment					C
<b>Financial Services</b>					
Automated Teller Machine (ATM)			P	P	P
Bank, Savings and Loan Office, Credit Union			P(6) (3)	P(7) (3)	P(8) (3)
<b>Government</b>					
Government Services, not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include: a fire station and library.	P	P	P(6) (3)	P(7) (3)	P(8) (3)



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<b>Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b>Lodging</b>					
Bed and Breakfast Facility (See EC 9.5100)	S	S			
<b>Manufacturing</b>					
Recycling, reverse vending machine		S	P(6)	P(7)	P(8)
Recycling, small collection facility (See EC 9.5650)	S	S	S(6)	S(7)	S(8)
<b>Medical and Health Services</b>					
Hospital, Clinic, or other Medical Treatment Facility (including mental health). 10,000 square feet or less of floor area					P(3)
Meal Service, Non-Profit			C(6)	C(7)	C(8)
<b>Motor Vehicle Related Uses</b>					
Parking Garage, up to 2 levels			C(6)	C(7)	C(8)
Transit Station, Major			C(6)	C(7)	C(8)
Transit Station, Minor			C(6)	C(7)	C(8)
Transit, Neighborhood Improvement	P	P	P(6)	P(7)	P(8)
Transit Park and Ride, Major or Minor, Only when Shared Parking Arrangement with Other Permitted Use	P	P			
<b>Office Uses</b>					
Administrative, General and Professional Offices			P(6) (3)	P(7) (3)	P(8) (3)
Scientific and Educational Research Center, includes laboratory			P(6) (3)	P(7) (3)	P(8) (3)
<b>Personal Services</b>					
Barber, Beauty, Nail, Tanning Shop			P(6) (3)	P(7) (3)	P(8) (3)
Day Care Facility (Day care operations part of a residence are included in residential)			P(6) (3)	P(7) (3)	P(8) (3)
Dry Cleaner			P(6) (3)	P(7) (3)	P(8) (3)
Film, Drop-off/Pick-up			P(6) (3)	P(7) (3)	P(8) (3)
Locksmith Shop			P(6) (3)	P(7) (3)	P(8) (3)
Laundromat, Self-Service			P(6) (3)	P(7) (3)	P(8) (3)
Mailing and Package Service			P(6) (3)	P(7) (3)	P(8) (3)
Shoe Repair Shop			P(6) (3)	P(7) (3)	P(8) (3)
Tailor Shop			P(6) (3)	P(7) (3)	P(8) (3)
<b>Residential</b>					
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 Dwelling (1 Per Lot, includes zero lot line dwellings)	P	P	P		

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<b>Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P(1)	P(1)	P(1)		
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(2) (3)	P(2) (3)	P(2) (3)	P(2) (3)	P(2) (3)
Duplex (Two-Family Attached on Same Lot)	P	P	P		
Tri-plex (Three family attached on the same lot) See EC 9.5500	P	P	P	P	
Four-plex (Four-Family Attached on Same Lot) See EC 9.5500	P	P	P		
Multiple-Family (3 or More Dwellings on Same Lot) See EC 9.5500	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)	S(3) (9)
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 standards in EC 9.5500.)	S (9)	S (9)			
<b>Assisted Living &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>					
Assisted Living (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	P	P			
Assisted Living (6 or more people living in facility)	C	C			
Day Care (3 to 12 people served) (See EC 9.5200)	S	S	P	P	P
Day Care (13 or more people served)	C	C	C	C	C
<b>Trade (Retail and Wholesale)</b>					
Convenience Store			P(6) (3)	P(7) (3)	P(8) (3)
Furniture and Home Furnishing Store					P(8) (3)
Garden Supply/Nursery, includes feed and seed store			P(6) (3)	P(7) (3)	P(8) (3)
General Merchandise, includes supermarket and department store			P(6) (3)	P(7) (3)	P(8) (3)
Hardware/Home Improvement Store			P(6) (3)	P(7) (3)	P(8) (3)
Specialty Store (examples include gift, computer or video store)			P(6) (3)	P(7) (3)	P(8) (3)
<b>Utilities and Communication</b>					
Amateur Radio Antenna Structure (See EC 9.5050)	S	S	S(6)	S(7)	S(8)
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(6)	P(7)	P(8)

<b>Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
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(6)	P(7)	P(8)
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 Type II procedure that shows low visual impact.	P	P	P(6)	P(7)	P(8)
Telecommunication Facilities (See EC 9.5750)	S	S	S(6)	S(7)	S(8)
<b>Other Commercial Services</b>					
Building Maintenance Service					P(8) (3)
Catering Service					P(8) (3)
Collection Center, Collection of Used Goods (See EC 9.5150)					S(8) (3)
Home Occupation (See EC 9.5350)	S	S			
Model Home Sales Office (See EC 9.5450)	S	S			
Photographer Studio			P(6) (3)	P(7) (3)	P(8) (3)
Picture Framing and Glazing			P(6) (3)	P(7) (3)	P(8) (3)
Printing, Blueprinting, and Duplicating			P(6) (3)	P(7) (3)	P(8) (3)
Publishing Service			P(6) (3)	P(7) (3)	P(8) (3)
Veterinary Service					C(8) (3)

(Section 9.3810 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013.)

**9.3811 Special Use Limitations for Table 9.3810.**

- (1) **Secondary Dwellings.** Secondary dwellings shall conform to all of the following:
- (a) The dwelling shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use.
  - (b) Either the primary dwelling or the secondary dwelling shall be occupied by the property owner.
  - (c) There shall be at least 1 off-street parking space on the property.
  - (d) The dwelling shall be located on a lot that is not a flag lot.
  - (e) Detached secondary dwellings shall:
    1. Comply with the residential density limitations in Table 9.3815(3)(n) Royal Node Special Area Zone Development Standards.
    2. Provide a pedestrian walkway from the street or alley to the

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primary entrance of the secondary dwelling.

3. The primary entrance to a secondary dwelling shall be defined by a roofed porch.
4. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.

Prior to issuance of a final occupancy permit for the secondary dwelling, the owner shall provide the city with a copy of a notice that has been recorded with the Lane County Clerk that documents the secondary dwelling or primary dwelling is owner/occupied.

- (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.
- (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.
- (4) **Manufactured Home Park.** The number of spaces designed for manufactured homes in the park shall comply with minimum residential density standards for the Royal Node.
- (5) **Churches, Synagogues and Temples.** Permitted conditionally in areas designated for Low Density Residential use, subject to the following standards:
  - (a) Primary and accessory structures associated with the religious use are limited in size, at the ground floor, to no more than 10,000 square feet.
  - (b) Minimum requirements for on-site parking are reduced to 1 parking space per 300 square feet of floor area.
- (6) **Small Business Size Limits in RMU.** Each individual business is limited to 3,000 square feet of floor area. In addition, no use may include a drive-through facility.
- (7) **Small Business Size Limits in CMU.** Each individual business is limited to 5,000 square feet of floor area. In addition, no use may include a drive-through facility.
- (8) **Business Size Limits in MSC.** Each individual business is limited to 30,000 square feet of floor area. In addition, no use may include a drive-through facility.
- (9) **Multiple-Family 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

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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).

*(Section 9.3811 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)*

### **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 General Standards for All Development in EC 9.6000 through 9.6885 apply within this zone. In the event of a conflict between those 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) Adjustment. The development standards in subsections (2) and (3) of this section may be adjusted in accordance with EC 9.8030(17).

#### **(2) Development Standards Applicable in the LDR, MDR, RMU, CMU and MSC Subareas.**

##### (a) Transportation System.

1. Street Network. The location of arterial, collector, and local streets adjacent to drainage corridors, shall conform to Map 9.3815(2)(a)1 S-RN Royal Node Special Area Zone Street Network.
2. Street Standards. In addition to the requirements set out in The Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways:
  - a. Neighborhood collector streets shall be developed in conformance with Figure 18 of the Royal Avenue Specific Plan, and
  - b. Alleys and local streets with drainage swales shall be designed in conformance with Figures 23 and 24 of the Royal Avenue Specific Plan.
3. Required Alleys. Alleys are required to be built within the areas shown on Map 9.3815(2)(a)3 S-RN Royal Node Special Area Zone Required Alleys. Alleys shall have a minimum width of 14' and a maximum width of 20'.
4. Access from Alleys.
  - a. If the site abuts an alley, access for motor vehicles must be provided from the alley.
  - b. In cases where lots front on arterial and/or collector streets or on neighborhood parks, alley access shall be provided.

##### (b) Streetscapes.

1. Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedures, and rules issued thereunder.
2. Fences and Walls. With the following exception, fence standards in EC 9.2170(6) shall be applied within the node. Fences and walls greater than 42" in height shall be prohibited in front yard setback areas.

##### (c) Parking.

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1. On-Street Parking. On-street parking is required:
    - a. On at least one side of the street on all local streets within the plan area, and
    - b. In accordance with, and where specifically indicated on Map 9.3815(2)(c)1 S-RN Royal Node Special Area Zone On-Street Parking.
  2. On-Street Parking Allowance. Except within the S-RN/LDR area, on-street parking spaces that directly abut a development site can be used by the development on the site to satisfy a portion of the off-street parking requirements. If two properties abut a space, both properties may count the space toward their respective requirements. If on-street spaces are not marked, the number of spaces shall be determined by measuring the curb frontage in feet and dividing by 20 feet. The curb frontage shall exclude driveways and areas where parking is not permitted.
- (d) Trash Pickup. Trash receptacles shall be served from the alley for all sites that abut an alley.
- (e) Multi-Family Development. With the following exceptions, Multi-Family Development Standards in EC 9.5500 shall be applied to new multi-family development within the S-RN Special Area Zone:
1. Except as provided in EC 9.3816(5), setback sidewalks, a minimum of 5 feet in width, are required along all public streets within and abutting the development site.
  2. Setback sidewalks, a minimum of 5 feet in width, are required along all private streets serving development of 20 or more units.
  3. Sidewalks may be designed as curbside walks along portions of public or private streets that provide parallel on-street parking within parking bays. Where this option is used, canopy street trees shall be planted within the planting strip areas created by the parking bays with an average spacing of 50' along the full length of the street.
  4. On street parking spaces adjacent to the street frontage of a building shall be counted toward meeting the off-street parking requirement. If two properties abut a space, both properties may count the space toward their respective requirements. If on-street spaces are not marked, the number of spaces shall be determined by measuring the curb frontage in feet and dividing by 20 feet. The curb frontage shall exclude driveways and areas where parking is not permitted.
  5. Roofs pitches must have gable, hip, or gambrel forms. Minimum roof pitch for all structures except manufactured homes shall be 4 inches of vertical rise for each 12 inches of horizontal width, and with a minimum 6-inch overhang.
- (3) Development Standards Applicable in Specific Subareas of the S-RN Zone.**
- (a) Building Orientation and Entrances.
1. Within the LDR subarea all primary residential structures, including multi-unit structures, must comply with the following:
    - a. For buildings within 50' of the front lot line, primary building entrances shall face the street and be directly accessed by

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a sidewalk. On corner lots, the building entrance may face either of the streets, or be oriented toward the intersection of both streets.

- b. Off-street motor vehicle parking or vehicular circulation may not be located between the front door of the primary residence and the street.
2. Within the RMU, CMU and MSC subareas:
    - a. Buildings fronting on a street or streets must provide a main entrance on the facade of the building nearest to and facing each street that the building abuts. A main entrance is a principle entrance through which people enter the building.
    - b. So long as the length of the building adjacent to the street does not exceed 50 feet, corner entrances may be used to provide entrance orientation to two streets.
    - c. Off-street motor vehicle parking or vehicle circulation may not be located between the front door of any building and the street.
- (b) Building Facades and Windows.
1. Blank Walls. Within the LDR subarea, a minimum of 15 percent of any facade that faces a front property line shall contain windows or doors. Windows in garage doors do not count toward meeting this standard, but windows in garage walls that face the street do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. Gabled areas are not part of the facade for purposes of determining compliance with this section.
  2. Exterior Finish Materials.
    - a. Within the LDR subarea, concrete block, concrete, or corrugated metal may not be used as primary exterior building materials in low density residential structures, except as a trim material that covers no more than ten percent of any facade. Plywood and sheet pressboard may be used only as finish exterior material when applied in a board and batten pattern with battens spaced at two feet on center or less. Concrete and concrete block are allowed as foundation materials only.
    - b. Within the RMU, CMU and MSC subareas, the exterior walls building facades shall be of suitable durable building materials including the following: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, vertical board & batten siding, articulated architectural concrete masonry units (CMU), brick, textured concrete, stucco, synthetic stucco (EIFS), and textured concrete block, or similar materials which are low maintenance, weather resistant, abrasion resistant and easy to clean. Prohibited building materials include the following: plain concrete, plain concrete block, corrugated metal, and unarticulated board siding (e.g. T1-11 siding, plywood, sheet pressboard) and similar quality, non-durable materials.

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3. Within the RMU, CMU and MSC subareas, the following standards apply to stand-alone commercial buildings and to mixed-use buildings with ground-floor commercial uses:
  - a. Except for building walls that face an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finish grade to a height at least 3 feet above the sill with no other limits on the height of the window. The windows on any walls that require windows shall occupy at least 60 percent of the length of the ground floor wall area. On corner lots, this provision applies to both street frontage elevations. The transparency is measured in lineal fashion (e.g. a 100 foot wide building facade shall have a total of at least 60 lineal feet of windows). This standard shall not apply to parking structures. The bottom of required windows shall be no more than 4 feet above the finished grade at the front building facade.
  - b. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.
  - c. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least 1 of the following:
    - (1) Recesses, including entrances, of a minimum depth of 3 feet.
    - (2) Extensions, including entrances, at a minimum depth of 3 feet.
    - (3) Offsets or breaks in roof elevation of at least 3 feet in height.
- (c) Front Porches. Within the LDR subarea, front porches shall be provided on the ground floor of all dwelling units, other than multi-family 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.
- (d) Elevated Finished Floor Elevations. Within the LDR subarea, finished floor elevations of residential structures shall be a minimum of 2 feet above the grade of the sidewalks, where sidewalks are adjacent to the dwelling units.
- (e) Roof Pitch.
  1. Within the LDR subarea, roof pitches must have gable, hip, or gambrel forms. Minimum roof pitch for all structures except manufactured homes shall be 4 inches of vertical rise for each 12 inches of horizontal width (4:12), and with a minimum 6-inch overhang.
  2. Within the CMU, RMU and MSC subareas, pitched roofs shall provide a minimum 4:12 pitch. Flat roofs shall provide a cornice, or other decorative treatment.
    - a. Residential and mixed-use buildings, including accessory buildings, shall be constructed with pitched roofs having a gable, hip, or gambrel form. Minimum roof pitch on these buildings is 4 inches of vertical rise for each 12 inches of



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- horizontal width (4:12). Such roofs shall have a minimum 6-inch overhang.
- b. Any non-residential building may have either pitched or flat roofs provided that the buildings are constructed with a cornice or parapet extending a minimum of 3 feet above the roof plane.
- (f) Window and Door Treatments. Within the LDR subarea, all windows and doors shall provide a minimum 3-inch trim or be recessed a minimum of 3 inches to provide shadowing.
- (g) Signs. In addition to the applicable sign standards in EC 9.6600 through 9.6650, the following standards apply:
1. Within the CMU subarea:
    - a. Permitted Sign Types. Signs allowed shall be limited to the following types:
      - (1) Awning signs;
      - (2) Electronic message centers;
      - (3) Freestanding signs.
      - (4) Marquee signs;
      - (5) Readerboards;
      - (6) Under-marquee signs; and
      - (7) Wall signs.
    - b. Maximum Number of Signs. The number of signs allowed shall be limited to no more than the following amounts for each business occupant:
      - (1) One under-marquee sign per business occupant; and
      - (2) One awning, marquee or wall sign per business occupant; and
      - (3) One freestanding sign per occupied building.
    - c. Maximum Sign Area. The following size limitations apply to signs in areas designated for Commercial Mixed-Use:
      - (1) A freestanding sign shall be no more than 24 square feet for 1 face and 48 square feet for 2 or more faces.
      - (2) The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general office sign stands apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located.
      - (3) No awning, marquee, under-marquee, or wall sign may exceed 100 square feet.
    - d. Freestanding Sign Location. Freestanding signs are allowed to be located only at entrances to or exits from parking areas for multi-tenant buildings.
    - e. Maximum Sign Height. A freestanding sign shall be no more than 8 feet in height.
  2. Within the MSC subarea:
    - a. Permitted Sign Types. Signs allowed under sign standards shall be limited to the following types:
      - (1) Awning signs;
      - (2) Electronic message centers;
      - (3) Freestanding signs.

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- (4) Marquee signs;
  - (5) Readerboards;
  - (6) Under-marquee signs; and
  - (7) Wall signs.
- b. Maximum Number of Signs. The number of signs allowed shall be limited to no more than the following amounts for each business occupant:
- (1) If the development site is occupied by only 1 business occupant:
    - (A) One under-marquee sign; and
    - (B) One awning, marquee, or freestanding sign;
    - (C) The business occupant may substitute 2 wall signs on separate walls for the free-standing sign permitted in EC 9.3815(3)(g)2.a.
  - (2) If the development site is occupied by more than 1 business occupant:
    - (A) One under-marquee sign per business;
    - (B) One awning, marquee or wall sign per business; and
    - (C) One freestanding sign or 2 additional wall signs per development site, provided that each additional wall signs are placed on separate walls.
- c. Maximum Sign Area The following size limitations apply to signs in areas designated for Main Street Commercial use:
- (1) A freestanding sign for a development site shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces for each business occupant on a development site. The maximum freestanding sign area when 2 business occupants are on the development site shall not exceed 64 square feet for 2 face or 132 square feet for 2 or more faces. The maximum freestanding sign area when 3 or more business occupants are on the development site shall not exceed 90 square feet for 1 face and 180 square feet for 2 or more faces.
  - (2) The sum of the area of all wall signs, marquee signs and awning signs on any wall shall be limited to 1.0 square feet times the length of the perimeter wall upon which the signs are located.
  - (3) No individual awning, marquee, under-marquee, or wall sign may exceed 100 square feet per face or 200 square feet for 2 or more faces.
- d. Freestanding Sign Location Freestanding signs are permitted only at entrances to or exits from parking areas for single tenant or multi-tenant buildings.
- e. Maximum Sign Height A freestanding sign shall be no more than 16 feet in height.
- (h) Landscaping Standards. In addition to the landscape standards beginning with EC 9.6200 Purpose of Landscape Standards, and for

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multi-family development in EC 9.5500(8), the following standards apply to Commercial Mixed-Use area developments in the RMU, CMU and MSC subareas:

1. For commercial and mixed-use buildings with ground floor commercial uses, if the building is set back from the front lot line, the land between the building and a street must be landscaped to at least the L-1 Landscape Standard or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least two of the pedestrian amenities described in (h)2. below. The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this subsection.
  2. Acceptable pedestrian amenities to satisfy (h)1., above, include:
    - a. Sidewalks, at least 8 feet in width, which include ornamental treatments (e.g. brick pavers, etc.).
    - b. Benches and public outdoor seating areas.
    - c. Public art (e.g. sculpture, fountain, clock, mural, etc.) with an acquisition and placement cost greater than ½ of 1 percent of the construction value of the structure.
    - d. Plazas or pocket parks with a minimum usable area of 300 square feet
    - e. Preservation of healthy, mature trees within 20' of the front sidewalk area.
    - f. Transit shelter.
- (i) Parking and Loading. Within the RMU, CMU and MSC subareas, in addition to the standards beginning at EC 9.6100 Purpose of Bicycle Parking Standards and EC 9.6400 Purpose of Motor Vehicle Parking and Loading Standards, the following standards apply:
1. Motor vehicle parking, maneuvering and circulation is not permitted between the street and the portion of a building that is used to comply with building setback requirements.
  2. For commercial uses, including commercial uses in mixed use buildings:
    - a. No parking spaces are necessary if 8 or fewer parking spaces are otherwise required.
    - b. If 9 or more parking spaces are otherwise required, the required parking can be reduced by 4 spaces if the business provides a minimum of 2 of the amenities described in EC 9.3815(3)(h)2., above.
- (j) Outdoor Storage Areas. Within the RMU, CMU and MSC subareas, except for plant nurseries, outdoor storage is not permitted.
- (k) Outdoor Merchandise Display. Within the RMU, CMU and MSC subareas, except for plant and garden supply products, outdoor merchandise display is not allowed.
- (l) Garbage Collection. Within the RMU, CMU and MSC subareas, all outdoor garbage collection areas shall be screened on all sides within a solid perimeter enclosure that meets the following standards:
1. Materials within enclosures shall not be visible from streets and adjacent properties.
  2. Required screening shall comply with EC 9.6210(6) Full Screen

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Fence Landscape Standard (L-6).

3. Trash and recycling receptacles for pedestrians are exempt from these requirements.
- (m) Outdoor Lighting. Within the LDR subarea, outdoor lighting shall comply with the Low Ambient Light standards in EC 9.6725. Within the MDR, RMU, CMU and MSC subareas, outdoor lighting shall comply with the Medium Ambient Light standards in EC 9.6725.
- (n) The following Table 9.3815(3)(n) sets forth additional standards for specific subareas of the S-RN Zone, subject to the special development standards in EC 9.3816 Special Development Standards for Table 9.3815(3)(n).

<b>Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards (See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
<b>Minimum Net Density per Acre</b>	8 units	18 units	18 units	18 units	18 units
<b>Maximum Net Density per Acre</b>	14 units	28 units	28 units	28 units	28 units
<b>Maximum Building Height</b>					
Main Building	35 feet	35 feet	50'	50'	50'
Accessory Building. Includes Secondary Dwellings Detached from Main Building	25 feet	25 feet	50'	50'	50'
<b>Minimum Front Yard Setbacks (2) (3) (5) (6) (7) (8) (9)</b>					
Front Yard Setback - residential (3)	10 feet	10 feet	10 feet		6 feet
Front Yard Setback - Garage doors and Carport (7)	18 feet				
Front Yard Setback - Commercial (5) (6)			0 feet	0 feet' (5)	0 feet (5)
Front Yard Setback - Mixed Use (5) (6)			0 feet	0 feet (5)	0 feet (5)
Interior Yard Setback - Attached Buildings (2)(4)	0 feet	0 feet	0 feet	0 feet	0 feet
Interior Yard Setback - Detached Buildings (2)(4)	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	5 feet or minimum of 10 feet between buildings
Front Yard Setback - Mixed Use Building with Ground Floor Commercial (5)(6)			0 feet	0 feet	0 feet
<b>Maximum Front Yard Setback</b>					
Commercial and/or Mixed Use Building except those Buildings on Royal Avenue or Roosevelt Boulevard with Commercial on Ground Floor in CMU or MSC			15 feet	15 feet	15 feet

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<b>Table 9.3815(3)(n) S-RN Royal Node Special Zone Development Standards (See EC 9.3816 Special Development Standards for Table 9.3815(3)(n).)</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
Residential Buildings with more than 100' of street frontage		60% of the lot width occupied by building placed within 10' of the minimum front yard setback line	60% of the lot width occupied by building placed within 10' of the minimum front yard setback line	60% of the lot width occupied by building placed within 10' of the minimum front yard setback line	60% of the lot width occupied by building placed within 10' of the minimum front yard setback line
Residential Building with less than 100' of street frontage		40% of the lot width occupied by building placed within 10' of the minimum front yard setback line	40% of the lot width occupied by building placed within 10' of the minimum front yard setback line	40% of the lot width occupied by building placed within 10' of the minimum front yard setback line	40% of the lot width occupied by building placed within 10' of the minimum front yard setback line
Non-residential Building fronting on Royal Avenue or Roosevelt Boulevard				6 feet	6 feet
Front Yard Setback Residential Building				10 feet	10 feet
<b>Maximum Lot Coverage</b>					
All Lots, Excluding Rowhouse Lots	50%	50%			
Rowhouse Lots	75%	75%			
<b>Fences - Maximum Height</b>					
Within Front Yard Setback Area	42 inches	42 inches	42 inches	42 inches	42 inches
Within Interior Yard Setback Area	6 feet	6 feet	6 feet	6 feet	6 feet
<b>Minimum Floor Area Ratio</b>					
Commercial Structures Not Mixed with Residential Uses			0.5	0.5	0.5

*(Section 9.3815 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003; amended by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)*

**9.3816 Special Development Standards for Table 9.3815(3)(n).**

- (1) An adjustment may be made to the development standards of Table 9.3815(3)(n) and this section in accordance with EC 9.8030(17).
- (2) A minimum 5' interior yard setback is required along alleys.
- (3) Certain building features and uses may intrude into the required setback. See EC 9.6745 Setbacks - Intrusions Permitted
- (4) Except as provided in this subsection (4), no interior setback along the side property lines is required if common wall construction is used. If common wall

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construction is used, it must conform to applicable building codes. A 5 foot setback is required at the end of a rowhouse building, or a minimum of 10 feet between the rowhouse building and any adjacent building.

- (5) All buildings in the MSC and CMU subareas fronting on either Royal Avenue or Roosevelt Boulevard shall be set back 6' from the front property line. The setback area shall be paved to create a continuous 12' wide sidewalks along the full length of the Main Street Commercial and Commercial Mixed-Use designations along the Royal Avenue and Roosevelt Boulevard street frontage.
- (6) For commercial and mixed use buildings not fronting on either Royal Avenue or Roosevelt Boulevard, at least 80% of the street-facing facade of commercial and mixed-use buildings must be within 15' of the front lot line.
- (7) **Garage and Carport Placement.**
  - (a) Within the LDR subarea, attached or detached garages and carports:
    1. Shall be set back a minimum of 18' from a public or private street if the garage or carport entrance faces the street;
    2. Shall be set back a minimum of 10' from a public or private street if the garage or carport entrance is perpendicular to the street;
    3. Shall be set back a minimum of 5' from an alley, measured from the edge of the property line;
    4. Garage and carport entrances may be placed only:
      - a. Perpendicular to (facing) an alley, parallel to an alley, or angled up to 45 degrees to an alley.
      - b. Perpendicular to (facing) or parallel to a street;
      - c. As part of the front facade of a structure if recessed at least 4' behind the front wall of the structure, excluding porches or other projections;
      - d. At the rear of a dwelling unit with access from a street. This type of access is prohibited where it would result in adjacent driveways. In that case, a shared driveway and reciprocal access easements shall be required.
  - (b) Within the RMU subarea:
    1. All garages and carports shall be located so as to take access from an alley
    2. A minimum 5-foot rear yard setback is required for garages and carports that are accessed from an alley. Garages and carport entrances may be located perpendicular to (facing) an alley, parallel to an alley, or angled up to 45 degrees to an alley.
- (8) **Garbage Collection.** Garbage collection areas shall not be located within required setbacks.
- (9) **Delivery and Loading Areas.** Within the RMU, CMU and MSC subareas, delivery and loading facilities are not permitted in required setback areas.

*(Section 9.3816 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)*

**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.

<b>Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards</b> <b>(See EC 9.3823 Special Standards for Table 9.3822.)</b>
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	LDR	MDR	RMU	CMU	MSC
<b>Lot Area Minimum</b>					
Rowhouse Lot (2)	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet	1,600 square feet
Duplex Lots (3)	6,400 square feet	6,400 square feet	1,600 square feet		
Triplex Lots (4)	9,600 square feet	9,600 square feet	1,600 square feet		
Fourplex Lots (5)	12,800 square feet	12,800 square feet	1,600 square feet		
All Other Lots in LDR and MDR	3,200 square feet	1,600 square feet			
All Commercial Lots			10,000 square feet	10,000 square feet	10,000 square feet
Duplex Division Lots (8) (Existing lot shall be at least 8,000 square feet.)	3,600 square feet		3,600 square feet	3,600 square feet	3,600 square feet
Maximum Lot Area Per Residential Unit (Except Rowhouse Lots, Duplex Lots, Triplex Lots, Fourplex Lots, Duplex Division Lots)			4,500 square feet	4,500 square feet	4,500 square feet
<b>Lot Frontage Minimum</b>					
<b>Interior Lot</b>					
Rowhouse Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Corner Lot</b>					
Rowhouse Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Curved Lot</b>					
Rowhouse Lot (2)	20 feet	20 feet	20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet	30 feet	20 feet		
Other Residential Lot	30 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Cul-de-sac Bulb (6)(7)</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet Duplex only		20 feet		
Other Residential Lot	30 feet		20 feet	20 feet	20 feet
<b>Lot Width Minimum</b>					
<b>Interior Lot</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet

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<b>Table 9.3822 S-RN Royal Node Special Area Zone Lot Standards (See EC 9.3823 Special Standards for Table 9.3822.)</b>					
	<b>LDR</b>	<b>MDR</b>	<b>RMU</b>	<b>CMU</b>	<b>MSC</b>
Duplex, Triplex, Fourplex	40 feet	40 feet	20 feet		
Other Residential Lot	40 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Corner Lot</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	50 feet	50 feet	20 feet		
Other Residential Lot	50 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Curved Lot</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet	30 feet	20 feet		
Other Residential Lot	30 feet	20 feet	20 feet	20 feet	20 feet
Commercial Lot			20 feet	20 feet	20 feet
<b>Cul-de-sac Bulb (6)(7)</b>					
Rowhouse Lot (2)			20 feet	20 feet	20 feet
Duplex, Triplex, Fourplex	30 feet, Duplex Only		20 feet		
Other Residential Lot	30 feet		20 feet	20 feet	20 feet

*(Section 9.3822 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.3823 Special Standards for Table 9.3822.**

- (1) An adjustment may be made to the development standards of Table 9.3822 and this section in accordance with EC 9.8030(17).
- (2) Rowhouse lots shall be indicated on the final plat and shall be developed with a rowhouse. Rowhouses are not required to comply with the density requirements for other types of residential development.
- (3) Duplex lots shall be indicated on the final plat and shall be developed as a duplex.
- (4) Tri-plex lots shall be indicated on the final plat and shall be developed as a triplex.
- (5) Four-plex lots shall be indicated on the final plat and shall be developed as a four-plex.
- (6) Cul-de-sacs will only be permitted as provided in EC 9.6815 and EC 9.6820.
- (7) Cul-de-sacs are not permitted in areas designated for Medium-Density residential use.
- (8) Duplex division lots shall comply with other duplex division provisions. (See EC 9.2777 Duplex Division Lot Standards.)

*(Section 9.3823 added by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)*



## 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:

- (1) Encourage the continued economic vitality of existing and redeveloped commercial and employment and industrial uses with recognition of their role in providing a needed diversity of land uses and job opportunities.
- (2) Encourage an increase in residential density to create additional opportunities for people to live close to major employment areas.
- (3) Encourage actions that will enhance the attractiveness of the area and increase the use of major landscape features that can help tie the public and private open spaces together.
- (4) Encourage the preservation, rehabilitation, and restoration of significant historic structures and retention of older, mature street trees.

*(Section 9.3900, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.3905** **S-W Whiteaker Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be planned for a special mix of uses in the Whiteaker Neighborhood Plan.

*(Section 9.3905, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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. |

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(#) 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.

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
<b>Accessory Uses</b>	
Accessory Uses. <u>Examples</u> related to residential uses include a garage, storage shed, bed and breakfast facility (see EC 9.5100), home occupations (see EC 9.5350), and secondary dwellings (see EC 9.2741(2)). <u>Examples</u> relating to commercial and employment and industrial uses include security work, administration activity and sales related to industrial uses manufactured on the same development site, and storage and distribution incidental to the primary use of the site.	P
<b>Agricultural, Resource Production and Extraction</b>	
Community and Allotment Garden	P
Horticultural Use	P
Urban Animal Keeping, including pastureland (See 9.5250)	S
<b>Eating and Drinking Establishments</b>	
Bar and Tavern	P(1)
Delicatessen	P(1)
Restaurant	P(1)
Specialty Food and Beverage. <u>Examples</u> include a bagel, candy, coffee, donut, and ice cream store. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(1)
<b>Education, Cultural, Religious, Social and Fraternal</b>	
Artist Gallery/Studio	P
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P
Church, Synagogue, and Temple, including associated residential structures for religious personnel, but excluding elementary through high school	P
Community and Neighborhood Center	P
School, Business or Specialized Educational Training, excludes driving instruction	P
School, Elementary through High School	P
Museum	P
<b>Entertainment and Recreation</b>	
Amusement Center (arcade, pool tables, etc.)	P
Athletic Facility and Sports Club	P
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 Park Furnishings. <u>Examples</u> include: play equipment, picnic tables, benches, bicycle racks, and interpretive signage Natural Area or Environmental Restoration Ornamental Fountain, Art Work Restroom Wetland Mitigation Area	S(4)
Theater, Live Entertainment	P
<b>Financial Services</b>	
Automated Teller Machine (ATM)	P(1)

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<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Bank, Savings and Loan Office, Credit Union	P(1)
<b>Government</b>	
Government Services, not listed elsewhere	P(1)
<b>Information Technology Services</b>	
Computer Networking (includes services and technical support center) (See EC 9.3915(3))	P
E-commerce (includes on-site shipping via truck) (See EC 9.3915(3))	P
E-commerce (excludes on-site shipping via truck) (See EC 9.3915(3))	P
Healthcare Infomatics (includes biotechnology, bioinformatics, and medical informatics) (See EC 9.3915(3))	P
Internet and Web Site (includes services and technical support center) (See EC 9.3915(3))	P
Software Development (includes services and technical support center) (See EC 9.3915(3))	P
<b>Lodging</b>	
Homeless Shelter Not in Existence as of January 1, 1984	C (3)
<b>Manufacturing</b>	
Apparel, Clothing, and other finished products made from fabrics, wool, yarn and similar materials	P
Asphalt Mixing and Batching/Concrete Mixing and Batching	SR
Beverage Products	P
Chemical, Drug, Cosmetics, and Related Products	P
Cleaning and Dyeing Plant	P
Concrete, Gypsum, and Plaster Products	P
Contractor's Storage Yard	P
Electronic and Communication Components, Systems, Equipment, and Supplies, includes computers and semi-conductors	P
Food Products	P
Furniture and Fixtures	P
Glass Products	P
Handcraft Industries, small scale manufacturing	P
Leather Products	P
Lumber and Wood Products	P
Machinery	P
Measuring, analyzing, and controlling instruments and time pieces	P
Metal Products Fabrication, machine/welding shop (no blast furnace)	P
Motor Vehicles and Transportation Equipment	P
Paints and Allied Products	P
Paper and Allied Products	P
Photographic and Copying Equipment	P
Precision Testing, Medical, and Optical Goods	P
Recycling- reverse vending machine	P
Recycling- small collection facility (See EC 9.5650)	S
Rubber and Plastic Products	P
Signs and Advertising Displays	P
Stone, Cut Stone, and Clay Products	P
Textiles	P
<b>Medical, Health, and Correctional Services</b>	
Correctional Facility, excluding Residential Treatment Center	C(3)

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<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Hospital, Clinic or other Medical Health Treatment Facility (including mental health) in excess of 10,000 square feet of floor area	C(3)
Hospital, Clinic, or other Medical Health Treatment Facility (including mental health) 10,000 square feet or less of floor area	P
Meal Service, Non-profit	P
Nursing Home	P
Residential Treatment Center	C(3)
<b>Motor Vehicle Related Uses</b>	
Parking Area not directly related to a primary use on the same development site	P
Repair, includes paint and body shop	P
Structured Parking, up to two levels not directly related to a primary use on the same development site	P
Structured Parking, three or more levels not directly related to a primary use on the same development site	C
Tires, Sales/Service	P
Transit, Neighborhood Improvement	P
Transit Park and Ride, Major	P
Transit Park and Ride, Minor	P
Transit Station, Major	P
Transit Station, Minor	P
<b>Office Uses</b>	
Administrative, General, and Professional Office	P
Scientific and Educational Research Center, includes laboratory	P
<b>Personal Services</b>	
Barber, Beauty, Nail, Tanning Shop	P(1)
Day Care Facility (Day care operations part of a residence are included in residential category.)	C
Dry Cleaner	P(1)
Film, Drop-off/Pick-up	P(1)
Locksmith Shop	P(1)
Laundromat, Self-Service	P(1)
Shoe Repair Shop	P(1)
Tailor Shop	P(1)
<b>Residential</b>	
<b>Dwellings</b>	
One-Family Dwelling	P(2)
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	P(2)
Duplex (Two-Family Attached on Same Lot)	P(2)
Tri-plex (Three-Family Attached on Same Lot)	P(2)
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	P(2)
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>	
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	P
Assisted Care (6 or more people living in facility)	P
Day Care (3 to 12 people served) (See EC 9.5200)	S
Day Care (13 or more people served)	P
Day care operations not part of a residence are included in the Personal Services category.	
Rooms for Rent Situations	

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<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Boarding and Rooming House	P
<b>Trade (Retail and Wholesale)</b>	
Agricultural Machinery Rental/Sales/Service	P
Bicycle Rental/Sales/Service	P
Boat and Watercraft Sales/Service	P
Book Store	P
Building Materials and Supplies	P
Computer Store	P
Convenience Store	P(1)
Drug Store (excludes drug treatment center)	P
Electrical Appliances and Supplies	P
Equipment, Light, Rental/Sales/Service	P
Fabric Store	P
Floor Covering Store	P
Furniture and Home Furnishing Store	P
Garden Supply/Nursery, includes feed and seed store	P
General Merchandise (includes supermarket and department store)	P(1)
Office Equipment and Supplies	P
Outdoor Vending	P
Plumbing Supplies and Services	P
Retail trade when secondary, directly related, and limited to products manufactured, repaired, assembled, or packaged on the development site	P
Specialty Store (examples include a gift, computer, candy, or video store)	P(1)
Storage Facility, Household/Consumer Goods (excluding motor vehicles)	P
Toy and Hobby Store	P
Video Store	P
Wholesale Trade, Regional Distribution	P
<b>Utilities and Communication</b>	
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
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
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 Type II procedure that shows low visual impact.	P
Telecommunication Facility (Refer to EC 9.5750)	S
Water Reservoir, elevated above ground level	SR
<b>Other Commercial Services</b>	
Building Maintenance Service	P
Catering Service	P
Collection Center, Collection of Used Goods (See EC 9.5150)	P
Heliport and Helistop	C(3)
Kennel	C(3)
Mortuary	C(3)
Photographers' Studio	P
Picture Framing and Glazing	P
Printing, Blueprinting, and Duplicating	P
Publishing Service	P

<b>Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements</b>	
	<b>S-W</b>
Temporary Activity (See EC 9.5800)	S
Train Station	P

(Section 9.3910, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

**9.3911 Special Use Limitations for Table 9.3910.**

- (1) **Drive-up or Drive-through Facilities.** No drive-up or drive-through facilities are allowed in this zone.
- (2) **Residential Density.** There is no minimum density; maximum density is according to the R-4 residential density requirements in Table 9.2750.
- (3) **Conditional Use Permit Process.** Where a conditional use permit process is required, the hearings official shall give special attention to the potential noise emissions or other environmental qualities that could influence the livability and economic vitality of the area.
- (4) Permitted, subject to the PRO zone use limitations and standards in Table 9.2630, EC 9.2631 and EC 9.2640.

(Section 9.3911, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)

**9.3915 S-W Whiteaker Special Area Zone Development and Lot Standards.** Except as provided in subsections (5) to (12) 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 (12) of this section, all residential development shall be subject to the standards established for the C-2 zone.
- (2) **Industrial Standards.** Except as provided in subsections (5) to (12) of this section, all industrial development shall be subject to the standards established for the I-2 zone.
- (3) **Commercial and Professional Office Standards.** Except as provided in subsections (5) to (12) of this section, all commercial or professional office development and information technology services shall be subject to the standards established for the C-2 zone.
- (4) **Mixed Use Standards.** Mixed use development shall be subject to the least restrictive standards set forth in this section that are applicable to the project.
- (5) **Parking.** Off-street parking shall be provided in accordance with applicable provisions of this land use code, including provisions for shared parking and parking within 1000 feet of the development site, except that there shall be no off-street parking required for motor vehicles for up to 6 residential dwellings that are part of a mixed use development.
- (6) **Landscaping.** At the time property adjoining a public right-of-way is developed or redeveloped, the curb strip landscaping shall be restored or

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implemented. An exception to the use of plant materials shall be made if the curb strip is providing another function for the public such as a bus stop shelter, secure bicycle storage area, or wider sidewalk. The use of benches or moveable planters are also encouraged in this area. Any permits required by provisions of this land use code shall be obtained prior to such restoration or installation of benches or planters.

- (7) **Height.** Height limitations in this S-W zone shall not exceed 45 feet in height. Height limitations established in EC 9.6715 Height Limitation Areas to protect the view to and from Skinner Butte, shall apply to those areas indicated herein.
- (8) **Lot Area.** 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.
- (9) **Solar Access.** Development shall be exempt from the solar access requirements of this land use code.
- (10) **Sign Standards.** The provisions of the Employment and Industrial Sign Standards set forth in this land use code shall apply within this S-W zone, except that additional restrictions may be imposed through site review.
- (11) **Historic Marker Preservation.** Development within this zone shall not result in removal of the stone marker of Eugene Skinner's cabin. When the area south of Second Avenue, between Lawrence and Lincoln Streets, is redeveloped, enhanced opportunities for public viewing of the stone marker shall be provided.
- (12) **3rd-4th Connector.** Prior to new development along the 3rd-4th connector, the city manager may include requirements such as, but not limited to, public right-of-way dedication and realignment, street improvements, and sidewalks.

*(Section 9.3915, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

## **S-WS Walnut Station Special Area Zone**

**9.3950** **Purpose of S-WS Walnut Station Special Area Zone.** The purpose of the Walnut Station Special Area Zone is to implement the vision of the Walnut Station Specific Area Plan to facilitate development of a mixed use center. The S-WS standards implement a form-based approach, which emphasizes the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The intent of a form-based code is to achieve a predictable built environment with a focus on providing quality public spaces. Design objectives of the S-WS zone include:

- (1) Recognize and enhance the Walnut Station Special Area Zone as a gateway to the City and the University of Oregon.
- (2) Recognize and enhance the open space and natural resources in the Walnut Station Special Area Zone. Treat the millrace as an amenity, enhance the Willamette River, and provide connections to these natural resource areas.
- (3) Foster building orientation, massing, articulation and façades that contribute positively to the surrounding environment.
- (4) Create a safe and attractive pedestrian environment through use of architectural and site design features such as high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, vegetation, and significant use of clear glass.
- (5) Provide for architectural variety and access to light, air and vegetation through variations in building massing, setbacks, stepbacks, screening and landscaping.
- (6) Promote a mixture of uses, including commercial, residential, and institutional uses.
- (7) Provide adequate parking while incorporating features that reduce the need for use of automobiles for travel within the Special Area Zone.
- (8) Encourage the use of transit, walking and biking through provision of attractive and safe bicycle and pedestrian facilities and direct connections between buildings, pathways, sidewalks and transit facilities.
- (9) Minimize the barrier effect of Franklin Boulevard.
- (10) Recognize 15th Avenue as a transition area between the predominantly single family residential neighborhood on the south side of the street and Walnut Station Special Area Zone on the north, to protect the residential character of the neighborhood

*(Section 9.3950 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.3955** **S-WS Walnut Station Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be included within the Walnut Station area depicted on Map 9.3955 S-WS Walnut Station Special Area Zone and Frontage District Plan. When a property is rezoned to S-WS, as part of the rezoning process the city shall identify the frontage district designation applicable to the property. Within the S-WS Walnut Station Special Area Zone, the four frontage districts are:

- (1) S-WS/FC (Franklin Corridor);
- (2) S-WS/GA (Garden Avenue);
- (3) S-WS/TE-15 (Transition Edge 15<sup>th</sup>);
- (4) S-WS/PRO (Park, Recreation and Open Space)



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The boundaries of these frontage districts are shown on Map 9.3955, S-WS Walnut Station Special Area Zone and Frontage District Plan.

*(Section 9.3955 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.3960**     **S-WS/PRO Park, Recreation and Open Space Regulations.** Land use and development within the S-WS/PRO frontage district shall be governed by the code sections applicable in the PRO Park, Recreation and Open Space Zone at EC 9.2600 - 9.2650.

*(Section 9.3960 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.3965**     **S-WS Walnut Station Special Area Zone Land Use and Permit Requirements.**

**(1) Permitted Uses.** Unless listed in subsection (2) below as a conditional use or in subsection (3) below as a prohibited use, the following uses are permitted in the S-WS Walnut Station Special Area Zone, subject to applicable development standards:

- (a) Any uses listed under the Residential or Lodging use categories on Table 9.2740 Residential Zone Land Uses and Permit Requirements;
- (b) Any uses listed under any use category on Table 9.2160 Commercial Zone Land Uses and Permit Requirements except that Manufacturing uses are limited to those allowed in the C-2 and C-3 zones.

The permit requirements of Tables 9.2740 and 9.2160 are not applicable.

**(2) Conditional Uses.** The following uses are subject to a conditional use permit as per EC 9.8075 through EC 9.8113:

- (a) Agricultural Machinery Rental
- (b) Heavy Equipment Sales
- (c) Hospital
- (d) Indoor Arena
- (e) Manufactured Dwelling Sales
- (f) RV and Heavy Truck Sales
- (g) Train station

**(3) Prohibited Uses.** The following uses are prohibited:

- (a) Amusement Center, including Casinos, greater than 25,000 square feet
- (b) Cemeteries
- (c) Correctional facility, excluding residential treatment facilities
- (d) Indoor firing ranges
- (e) Kennels used for overnight animal boarding
- (f) Nuclear reactors
- (g) Recreational vehicle parks
- (h) Recycling centers or transfer stations with the exception of small recycling centers as defined in section EC 9.0500 of this code.

*(Section 9.3965 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.3970**     **S-WS Walnut Station Special Area Zone Development Standards Applicable to All Properties in the Walnut Station Special Area Zone.**

**(1) Application of Standards.** In addition to the standards contained in EC 9.3950 to EC 9.3980, the General Standards for All Development in EC 9.6000 through 9.6885 and The Special Development Standards for Certain Uses in EC 9.5000 through EC 9.5350 apply within this zone, except the multi-family standards found in EC 9.5500(1)-(14) are not applicable in the S-WS zone unless specified at EC 9.3970(2)(e) below. In the event of a conflict

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between those general development standards and the development standards in EC 9.3950 to EC 9.3980, the specific provisions of EC 9.3950 to EC 9.3980 shall control.

Telecommunication devices proposed to be located in the S-WS zone shall adhere to the siting requirements and procedures applicable to the C-2 zone starting at EC 9.5750.

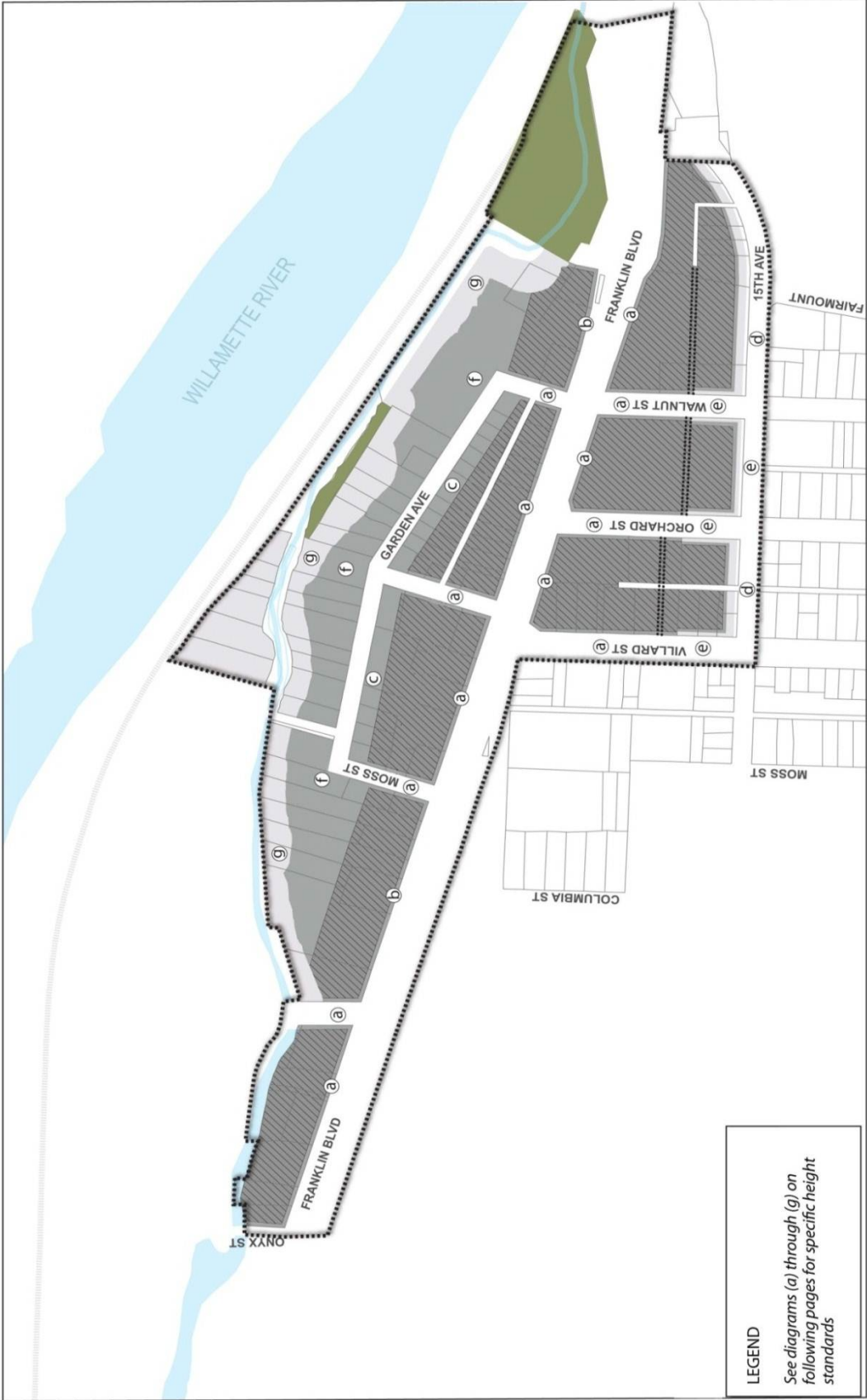
### (2) **Development Standards - General Standards Applicable to All Property.**

- (a) Interior yards. There shall be no minimum setback requirement for interior yards except where these yards abut a different frontage district, in which case the minimum setback shall be five feet.
- (b) Lot Standards. The lot standards applicable in the S-WS zone shall be those set forth in EC 9.2180 Commercial Zone Lot Standards for the C-2 zone.
- (c) Front Lot Lines
  1. Corner lots. On corner lots, the front lot line will be established as follows:
    - a. If the corner lot has one lot line with frontage along Franklin Boulevard, that lot line shall be considered the front lot line
    - b. If the corner lot has one lot line with frontage along Garden Avenue or 15<sup>th</sup> Avenue, that lot line shall be considered the front lot line
    - c. For all other corner lots, all lot lines with street frontage shall be considered a front lot line.
  2. Through lots. On through lots, the front lot line will be established as follows:
    - a. If the through lot has one lot line with frontage along Franklin Boulevard, that lot line shall be considered the front lot line
    - b. If the through lot has one lot line with frontage along Garden Avenue or 15<sup>th</sup> Avenue, that lot line shall be considered the front lot line.
- (d) Weather protection. Weather protection features such as canopies, awnings or arcades shall be provided over at least the full width of all building entrances to a depth of at least 3 feet. Alternatively, building entrances may be set back a minimum of 3 feet behind the face of the building.
- (e) Multi-family Standards
  1. Multi-family development sites shall contain a minimum of 400 square feet of common open space with no minimum dimension of the open space having less than 15 feet.
  2. Either 20% of the development site or 15% of the livable floor area, whichever is greater, shall be provided as common open space on the development site except that if the minimum net density for the development site is 45 units per acre or greater, the development site shall be exempt from these standards.
  3. The requirements in EC 9.5500(9)(a) through (d) are applicable within the S-WS Walnut Station Special Area Zone.
- (f) Building heights. Within the S-WS zone, building heights are measured in stories with a maximum height measured in feet. Maximum building heights and required building setbacks shall be determined using the S-WS Walnut Station Special Area Zone Height Regulating plan (Figure

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9.3970(2)(f) and as shown in Plan's accompanying Figures "a" through "g". There is no minimum height except where a minimum ground floor story is required. For the purposes of this chapter, story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. Maximum building height shall be as regulated in the Eugene Code.

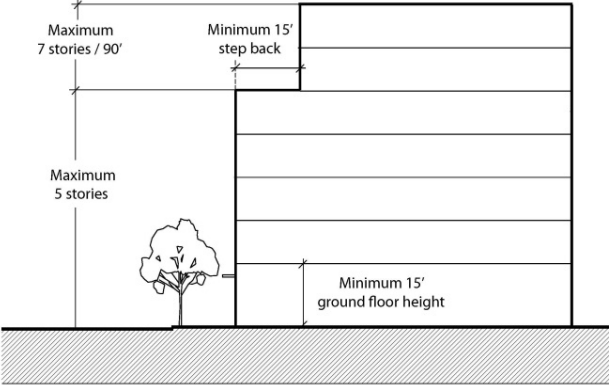
- (g) Lots Abutting Park, Recreation and Open Space. Development on a lot within the S-WS Walnut Station Special Area Zone that is adjacent to the Park, Recreation and Open Space Zone shall treat those lot lines that abut the Park, Recreation, and Open Space zone as street-facing lot lines and shall comply with the standards for the Transition Edge 15th Avenue (S-WS/TE-15).
- (h) Structured Parking. 1% of the total cost of the structure must be used to include public art as a component of the parking structure.
- (i) Historic Properties. In the event that a property is subject to and approved through the Historic Property Alteration Approval Criteria at EC 9.8175, it is exempt from the standards in this code.



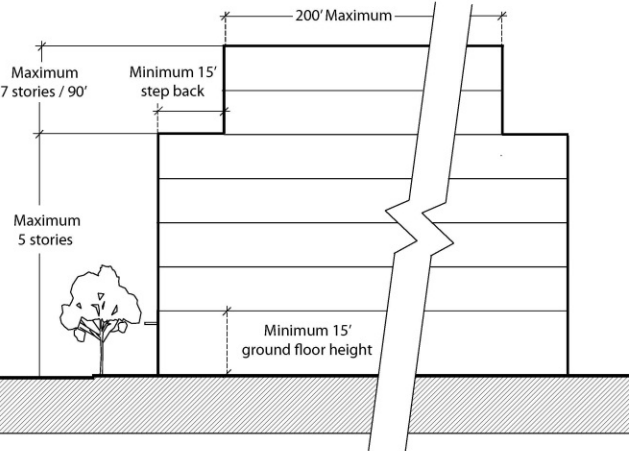
**S-WS Walnut Station Special Area Zone**  
 Height Regulating Plan

*Figure 9.3970(2)(f)*

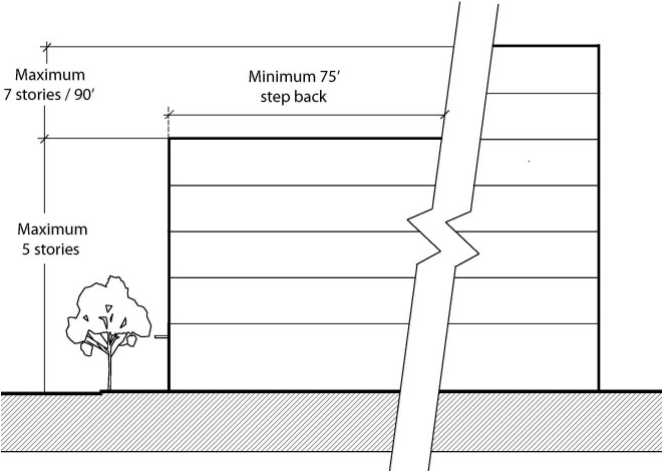
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**Height Standard “a”** Buildings shall be a maximum of 7 stories, not to exceed a maximum height of 90 feet. A minimum 15-foot stepback is required above the 5th story. Along Franklin Boulevard, the ground floor height shall be a minimum of 15 feet as measured from floor to floor.

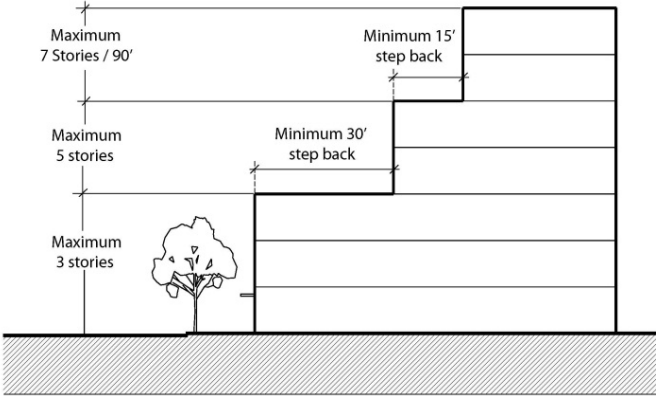


**Height Standard “b”** Buildings shall be a maximum of 7 stories, not to exceed a height of 90 feet. A minimum 15-foot stepback is required above the 5th story. The 7 story maximum shall step down to a maximum of 5 stories no greater than 200 feet behind the front property line. Along Franklin Boulevard, the ground floor height shall be a minimum of 15 feet as measured from floor to floor.

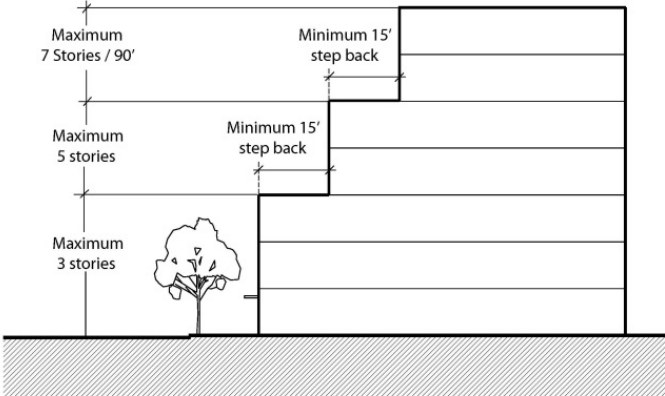


**Height Standard “c”** Buildings shall be a maximum of 7 stories, not to exceed a height of 90 feet. A minimum 75-foot stepback is required above the 5th story.

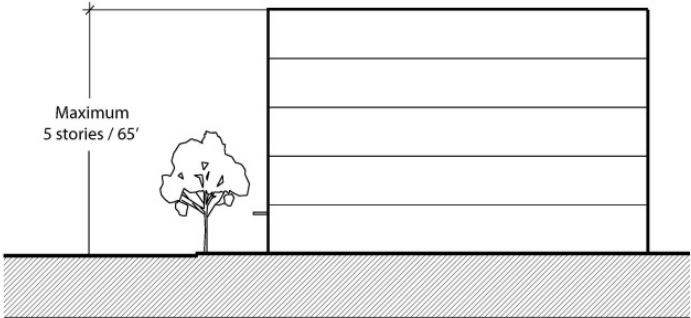
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**Height Standard "d"**  
Buildings shall be a maximum of 7 stories, not to exceed a height of 90 feet. A minimum 30-foot stepback is required above the 3rd story and a minimum 15-foot stepback is required above the 5th story.

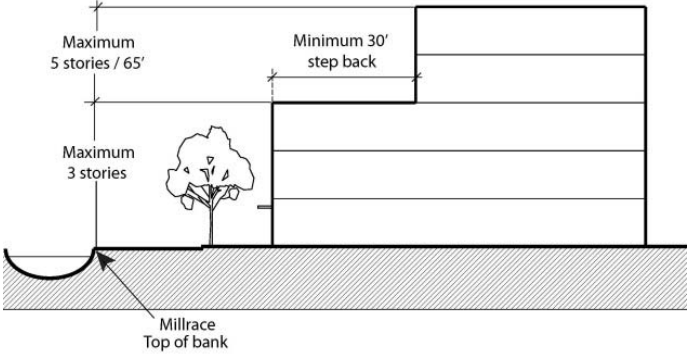


**Height Standard "e"**  
Buildings shall be a maximum of 7 stories, not to exceed a height of 90 feet. A minimum 15-foot stepback is required above the 3rd story and a minimum 15-foot stepback is required above the 5th story.

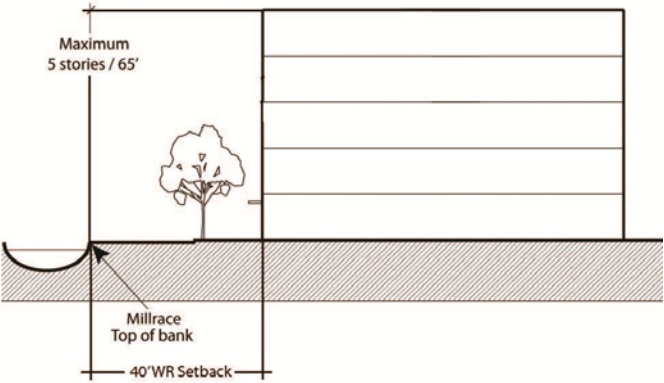


**Height Standard "f"**  
Buildings shall be a maximum of 5 stories, not to exceed a height of 65 feet.

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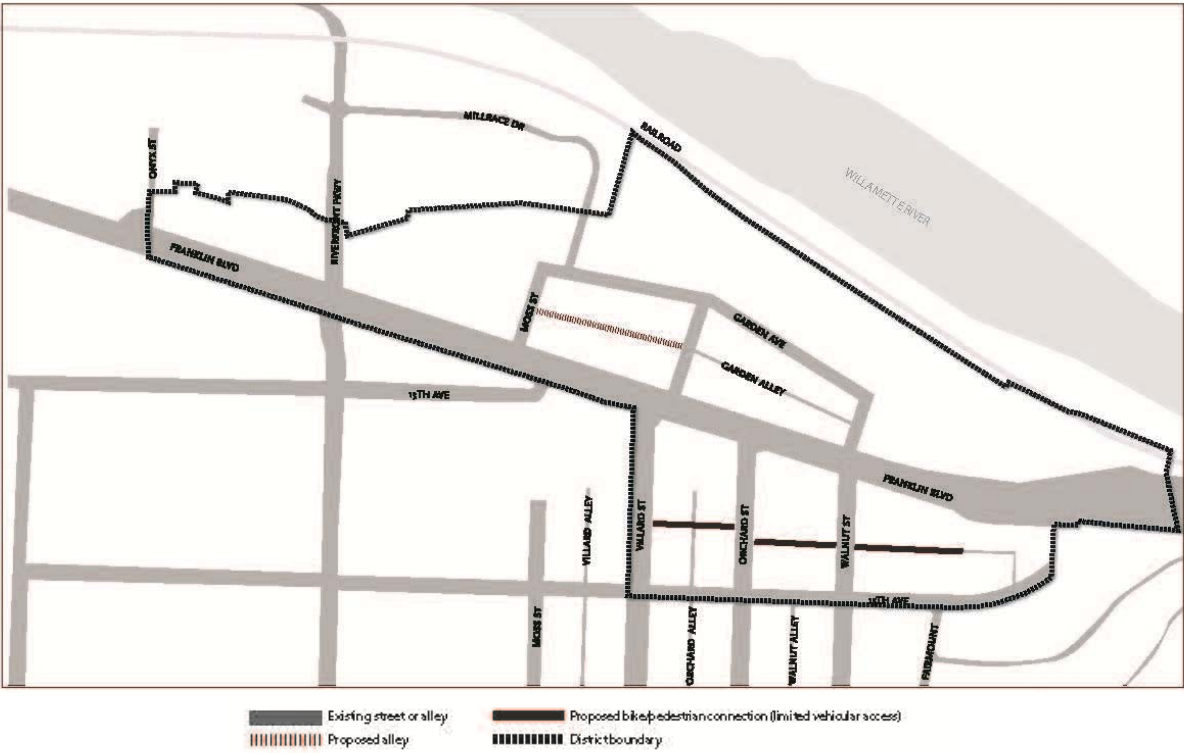
**Height Standard "g"**  
Buildings shall be a maximum of 5 stories, not to exceed a height of 65 feet. A minimum 30-foot stepback is required above the 3rd story. The Millrace top of bank shall function as the property line for the purposes of measuring the stepback for properties exempt from the /WR Goal 5 setback.



**Height Standard "g" with WR overlay;** for properties that are subject to the /WR Goal setback, the three story maximum does not apply as the Goal 5 setback exceeds the 30 foot stepback requirement. Buildings shall be a maximum of 5 stories, not to exceed a height of 65'.

(3) **Transportation System**

- (a) General application of standards. Transportation facilities shall be located and constructed to standards in EC 9.6800 unless otherwise specified herein.
- (b) Access from and location of alleys.
  - 1. A public alley may be provided and constructed along 14th Avenue as shown on Figure 9.3970(3)(b).
  - 2. Mid-block private accessways may be provided and constructed in lieu of a public alley between Franklin Boulevard and Garden Avenue to provide access to properties fronting those streets.
  - 3. Parking access shall be from an alley where an alley exists or from a mid-block internal access lane or alley where proposed. In the absence of a proposed, planned or existing mid-block access, access may be from the front or side of the property, consistent with EC 9.3970(3)(b).



*Figure 9.3978(3)(b)*

**S-WS Walnut Station Special Area Zone**  
Transportation Features



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- (c) Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths indicated in Figures 9.3970(3)(e)1 - 4.
- (d) Franklin Boulevard. In accordance with EC 9.6750(2)(c), the center line of Franklin Boulevard between Walnut Street and Onyx Streets on the north side and between Walnut Street and Villard Street on the south side is precisely identified in the Walnut Station Specific Area Plan.
- (e) Street Cross Section Design Recommendations. The following street cross section design recommendations are for conceptual purposes only.

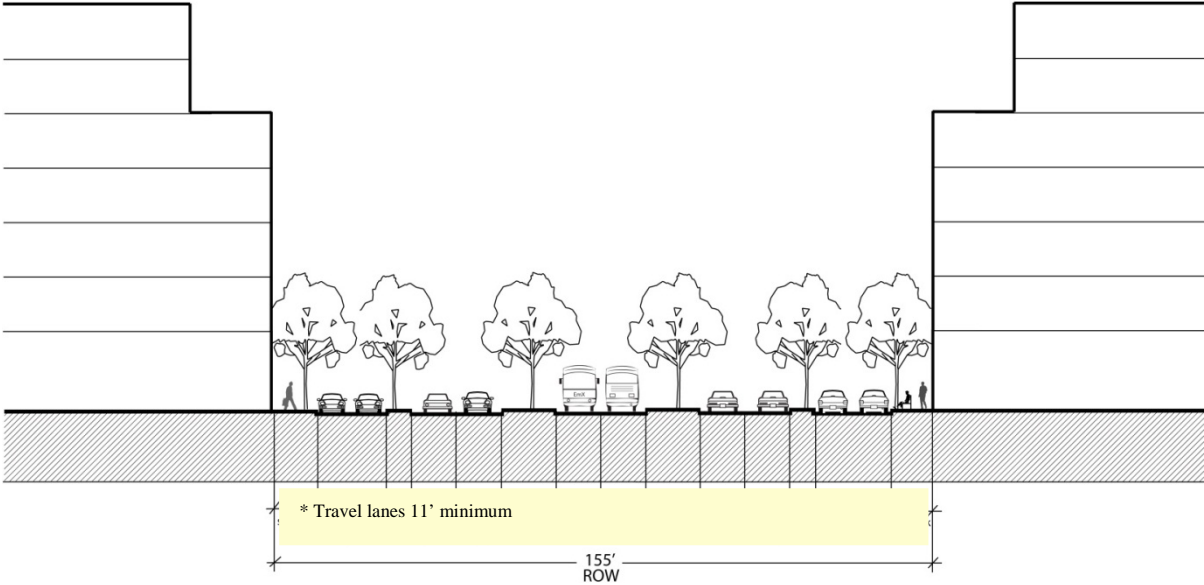


Figure 9.3970(3)(e)1 Franklin Boulevard

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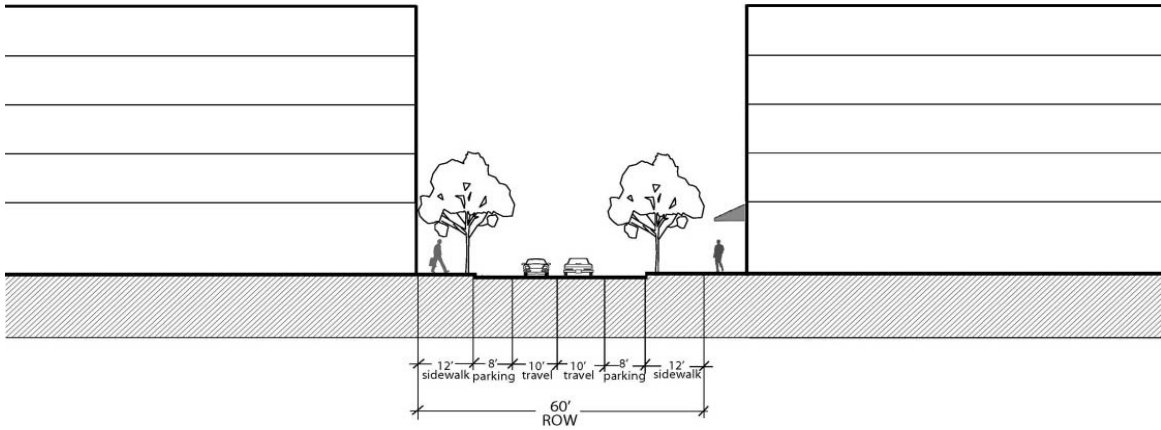


Figure 9.3970(3)(e)2 Streets North of Franklin Boulevard

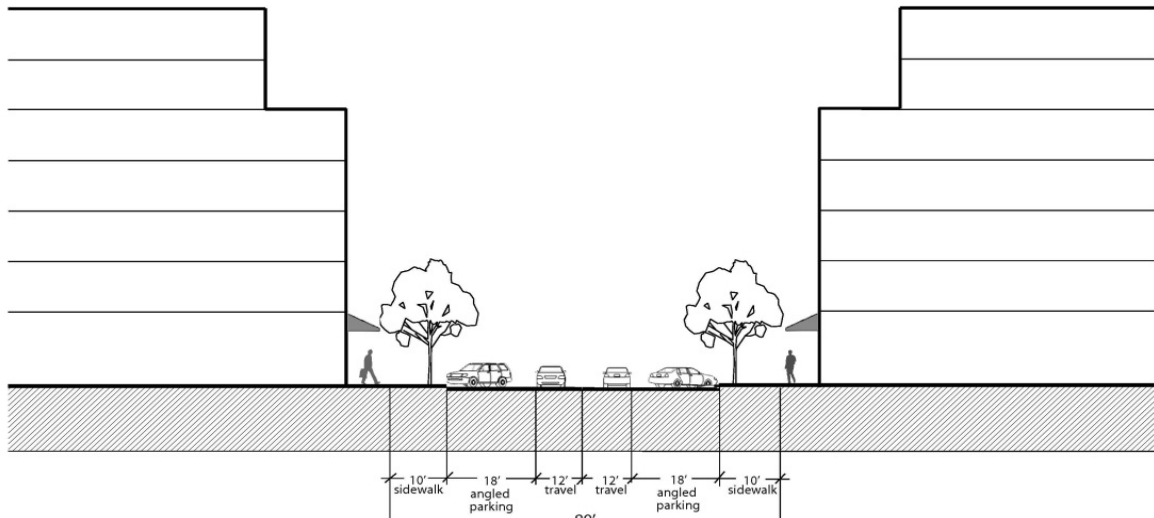


Figure 9.3970(3)(e)3 Streets South of Franklin Boulevard (Excluding Villard Street)

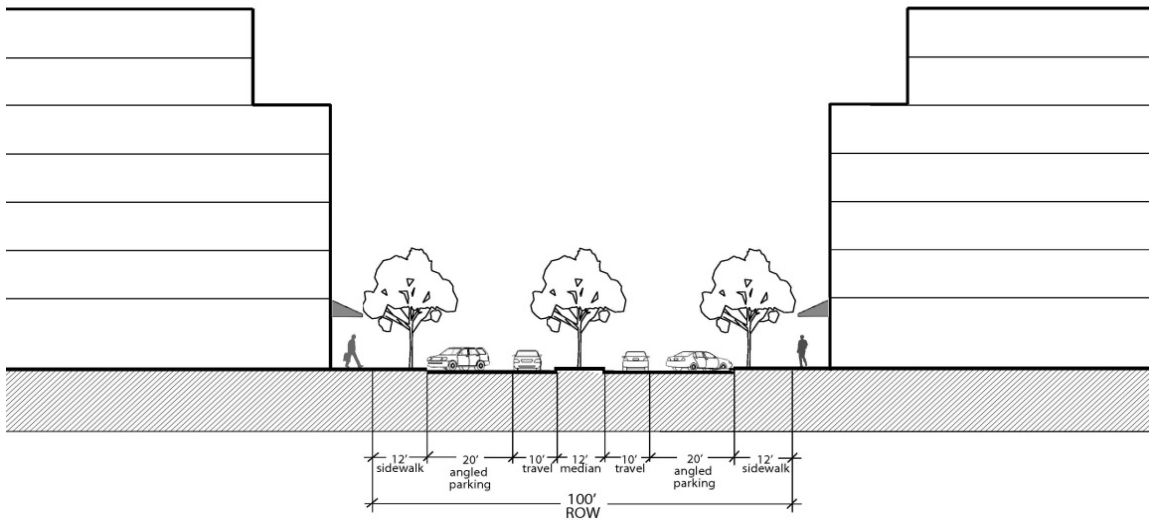


Figure 9.3970(3)(e)4 Villard Street

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- (f) Street tree requirements. Locations and other specifications for street trees are found in Section EC 7.280 of this code.
- (g) Street lighting requirements. Locations and other specifications for street lighting, including pedestrian-scale lighting, are found in Section 9.3970(10) below.
- (h) Pedestrian circulation. All developments except single-family residences shall provide on-site pedestrian circulation in accordance with EC 9.6730 Pedestrian Circulation On-Site.

**(4) Parking Requirements.**

- (a) Required off-street motor vehicle parking. The following minimum and maximum parking standards apply instead of the standards in Table 9.6410. The provisions in EC 9.6410(1)(a) through (c), EC 9.6415 (1) through (3), EC 9.6420(1), (2), (3)(a), (b), and (e), (4), (5), and (6), apply to the siting and design of parking and loading facilities in the Walnut Station area. Uses not listed do not have a parking requirement.

Use	Minimum Number of Off-street Parking Spaces	Maximum Number of Off-Street Parking Spaces
<b>Residential</b>	Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces shall be .5 parking spaces per dwelling unit.	Except for required parking spaces for persons with disabilities, a maximum of 2.25 parking spaces are allowed per dwelling unit.
<b>Non-Residential Uses</b>	Except as provided in an adjustment pursuant to EC 9.8030(29), the minimum number of required parking spaces shall be 1 parking space for every 660 square feet of gross floor area.	Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking with two or more levels, the maximum number of parking spaces is 1 parking space per every 250 square feet of gross floor area.

- (b) Location of On-Site Parking. On-site parking must be located at the rear of the building or on the side of the building in the absence of alley access or a shared private alley.
- (c) Access. No new access connections shall be permitted on Franklin Boulevard
  1. When Franklin Boulevard has been developed consistent with EC 9.3970(3)(b) this street will be exempt from the access management standards adopted by Ordinances 20457 and 20458.
  2. Driveways and access connections shall be no more than 20 feet wide. No more than one access connection per tax lot per street frontage shall be allowed except as provided at EC 7.410.
- (d) Parking area landscaping. In addition to the standards for specific frontage districts as provided at EC 9.3975, the parking area landscaping standards in EC 9.6420(3) and EC 9.6205 apply to off-street parking areas in the S-WS zone.

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- (e) Bicycle parking. The following minimum bicycle parking standards apply instead of the standards in Table 9.6105(4). Uses shall provide a minimum number of bicycle parking spaces as designated in Table 9.3970(4)(e) below. Where two options are provided (e.g., 4 spaces, or 1 per dwelling), the option resulting in more bicycle parking shall be used. The remaining standards in EC 9.6105 (1-3) and EC 9.6110 are applicable within the S-WS zone.

<b>Table 9.3970(4)(e) - Minimum Required Bicycle Parking Spaces</b>		
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Number of Required Spaces</b>
<b>Residential Categories</b>		
Multifamily		4 minimum or 1 per dwelling
Dormitories		4 minimum or 1 bike space for every three
<b>Commercial Categories</b>		
Trade		4 minimum or 1 per 3,000 sq. ft. of floor area
Eating and Drinking Establishments		4 minimum or 1 per 600 sq. ft. of floor area
Lodging		4 minimum or 1 per 10 rentable rooms
Office		4 minimum or 1 per 3,000 sq. ft. of floor area
<b>Institutional Categories</b>		
Government related uses		4 minimum or 1 per 500 sq. ft. of floor area
Parks		8 per park or playground
Schools	Elementary through High School	1 per 8 students
Universities/Colleges		1 per 5 full-time students
Medical Centers		4, or 1 per 3,000 sq. ft. of floor area
Religious Institutions and Places of Worship		1 per 20 fixed seats or 40 feet of bench length or every 200 square feet in main auditorium where no permanent seats or
<b>Parks and Open Spaces</b>		
Park or playground		8 per park or playground

Table 9.3970(4)(e) - Minimum Required Bicycle Parking Spaces		
Use Categories	Specific Uses	Number of Required Spaces
<b>Transportation Related Uses</b>		
	Structured parking	10% of vehicle spaces provided
	Transit park & ride	10% of vehicle spaces provided

**(5) Delivery and Loading Areas.**

- (a) Maneuvering and circulation related to delivery and loading is not permitted between the street and the portion of a building that is used to comply with building setback requirements.
- (b) All loading spaces shall be off the street, shall be in addition to required off-street parking spaces, and shall be served by service drives, alleys, private accessways and maneuvering areas so that no backward movement or other vehicle maneuvering within a street will be required.
- (c) All off-street loading spaces shall be on interior service courts or screened from view from all adjacent property lines according to EC 9.6210(4) High Wall Landscape Standard (L-4).

**(6) Drive-through Facilities.**

- (a) Stacking area. Drive-through establishments shall provide a specially designed area for vehicle stacking located on private property between the public right-of-way and the pick-up window or service area. For a single row of vehicles, the specially designed area shall be at least 200 feet in length to allow for stacking of up to 10 cars. For a double row of vehicles, the specially designed area shall be at least 100 feet in length to allow for stacking of up to 5 cars. This area shall not interfere with safe and efficient circulation on the development site or abutting public right-of-way.
- (b) Access. No new direct access onto Franklin Boulevard is permitted for drive-through facilities. Drive-through establishments with frontage along Franklin Boulevard are required to take access from a side street or internal accessway.
- (c) Landscaping. All vehicle stacking areas shall be landscaped as required by EC 9.6420(3).

**(7) Landscaping requirements.** Development will conform to landscaping requirements in EC 9.6205 through 9.6255 except as noted in sections (a - c), below.

- (a) Instead of the provisions at EC 9.6205(1) - (3), the landscape standards reflected at EC 9.6207 - 9.6255 and in EC 9.3975 apply to: building expansions which increase the building square footage by 50% or more; the addition of three or more vehicle parking spaces; or new development on vacant sites. In the case that the development meets the threshold above, the landscape standards apply to the entire lot.
- (b) All portions of required front-yard setbacks not otherwise covered by legal driveways, buildings, or pedestrian amenities consistent with this chapter shall

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be landscaped and maintained to a minimum of the L-2 standard. Where no front yard is required and no structures are proposed or required, the minimum landscape bed width shall be five feet in width.

- (c) Enhanced pedestrian amenities (as defined in EC 9.0500) and urban plazas may be provided in lieu of landscaping, except that shade trees are still required at the ratio of one tree for every 250 square feet of urban plaza area. An urban plaza must be a public space with at least two of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower or other similar focal feature or amenity. Any such area shall have direct access to the public sidewalk network and be placed in a visible location.
  - (d) For the L-2 landscape standard, a solid wall between 30 and 42 inches in height may be permitted as a substitute for the required shrubs and trees, but the other plant material is still required as described in the L-2 standard.
- (8) Garbage and recycling collection.** All outdoor garbage collection areas shall be screened on all sides with walls or gates that meet the following standards.
- (a) The collection area shall not be visible from streets and adjacent properties.
  - (b) Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard L-6. The width of the landscape beds shall be consistent with the width of parking lot landscape screening requirements for the subdistricts at 9.3975 below.
  - (c) Trash and recycling receptacles for pedestrians are exempt from these requirements.
  - (d) Garbage and recycling facilities shall not be located within required landscape areas.
- (9) Outdoor storage areas.** For non-residential development, outdoor storage is not permitted except for nurseries and overnight/temporary storage of sidewalk tables and chairs.
- (10) Outdoor lighting.** Outdoor lighting shall conform to standards specified in EC 9.6725 and as indicated in the following table.

Frontage District	Applicable Lighting Standard Section
Franklin Corridor (S-WS/FC)	High Ambient - EC 9.6725(8)(d)
Garden Avenue (S-WS/GA)	Medium Ambient - EC 9.6725(8)(c)
Transition Edge 15th (S-WS/TE-15)	Medium Ambient - EC 9.6725(8)(c)
Parks, Recreation and Open Space (S-WS/PRO)	Low Ambient - EC 9.6725(8)(b) except Intrinsically Dark EC - 9.6725(8)(a) within 40 feet of a /WR area

- (11) Signs.** Signs shall conform to standards specified in EC 9.6600 - EC 9.6670 as indicated in the following table

Frontage District	Applicable Sign Standard Section
Franklin Corridor (S-WS/FC)	Central Commercial - EC 9.6670

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Frontage District	Applicable Sign Standard Section
Garden Avenue (S-WS/GA)	Central Commercial - EC 9.6670
Transition Edge 15th Avenue (S-WS/TE-15)	General Office - EC 9.6655
Parks, Recreation and Open Space (S-WS/PRO)	Residential EC - 9.6650

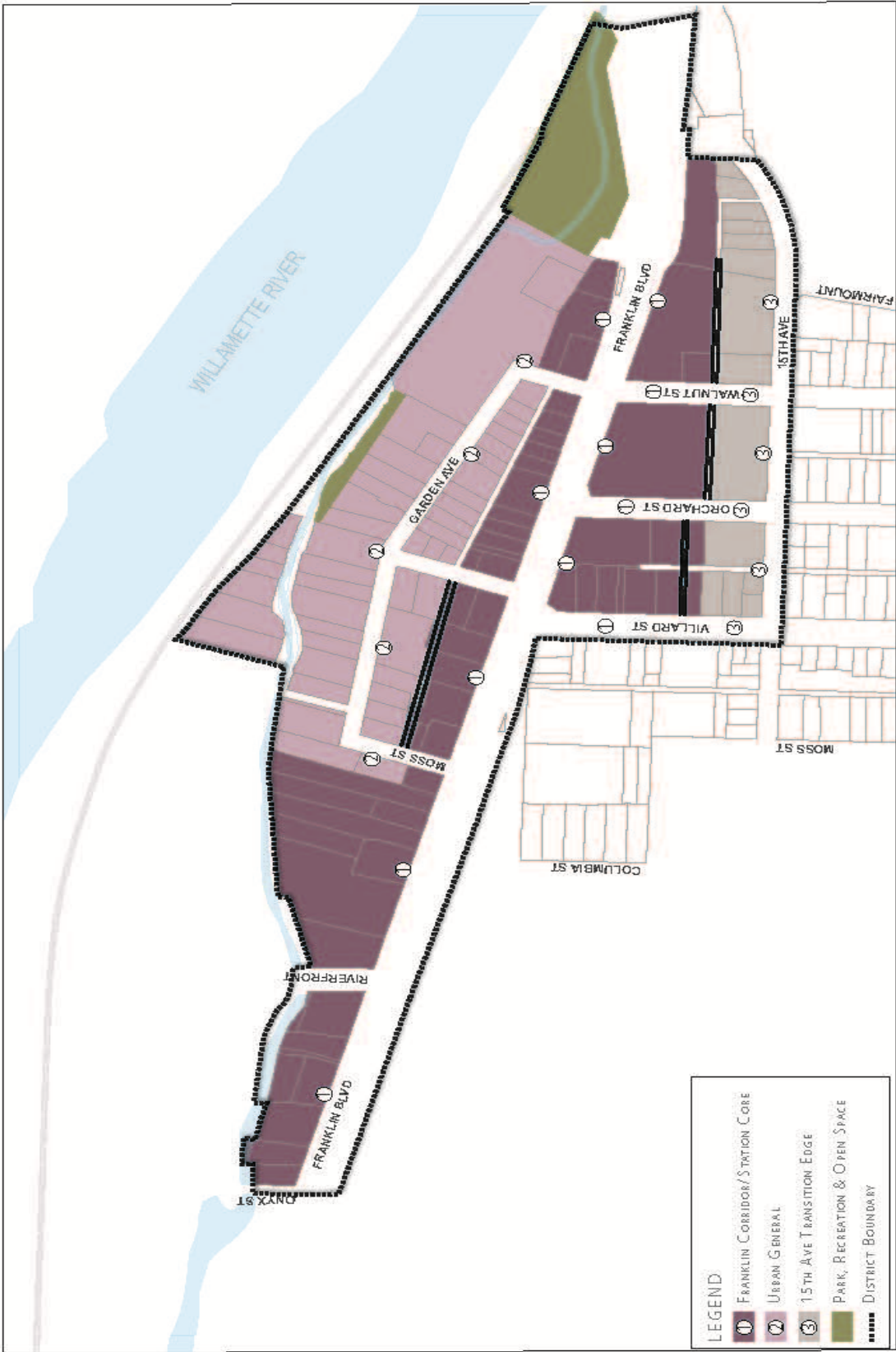
**(12) Park, Recreation Open Spaces and Facilities.** Development of park, recreation and open space facilities shall be governed by the code sections applicable in the Park Recreation and Open Space Zone in EC 9.2600.

*(Section 9.3970 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.3975 S-WS Walnut Station Special Area Zone Development Standards Applicable in Specific Frontage Districts.**

- (1)** The following standards primarily regulate the relationship between building frontages and the street within specific sub-districts of the S-WS zone. This section includes standards related to building siting and façade, buildable area, and landscaping.
- (2)** The applicable frontage district standards shall be determined based on Map 9.3955 S-WS Walnut Station Special Area Plan Zone and Frontage District Plan. For corner lots, the standards in the following sections shall apply only to the front property line(s) as established in section 9.3970(2)(b) exception that the frontage district standards and the window coverage standards apply along the front property line and all other street-facing property lines.
- (3) Visible Transmittance.** For the purposes of this chapter, Visible Transmittance (VT) is an optical property measuring the fraction of visible light striking the glazing that is passed through, and is expressed as a ratio between 0 and 1. The higher the VT, the greater the light transmitted. It can be applied to both the glazing alone, and to the window as a whole including its frame and mullions. Information about visible transmittance typically is or can be provided by window manufacturers.

*(Section 9.3975 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*



**S-WS Walnut Station Special Area Zone**  
Frontage District Plan

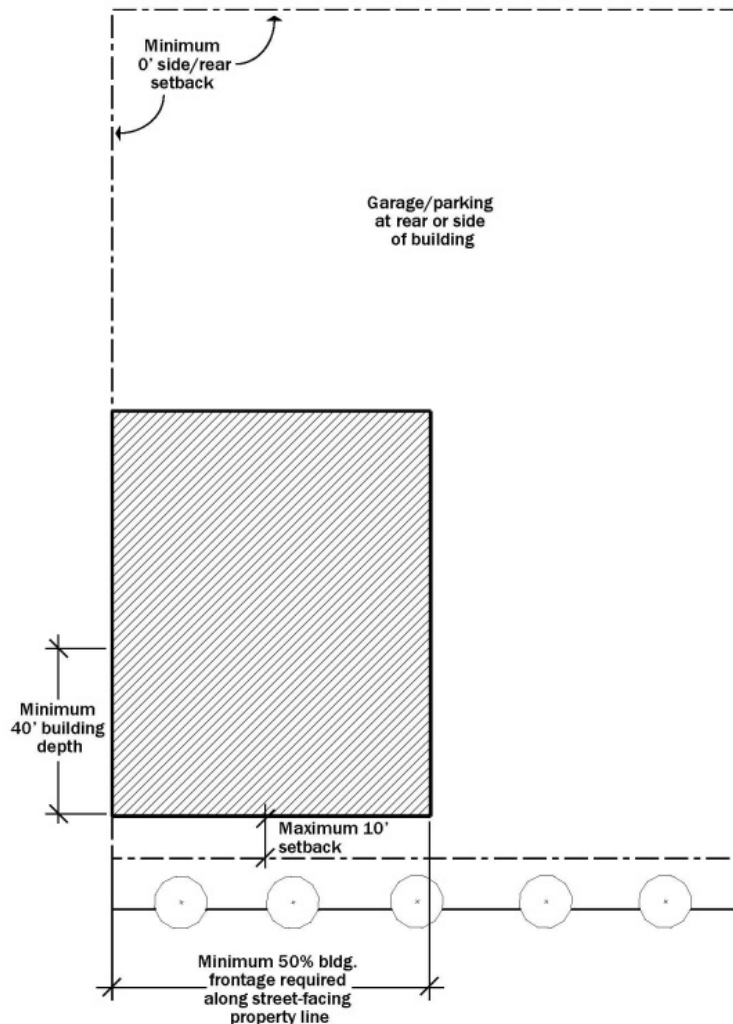
Figure 9.3955



**(1) Franklin Corridor Frontage District (S-WS/FC)**

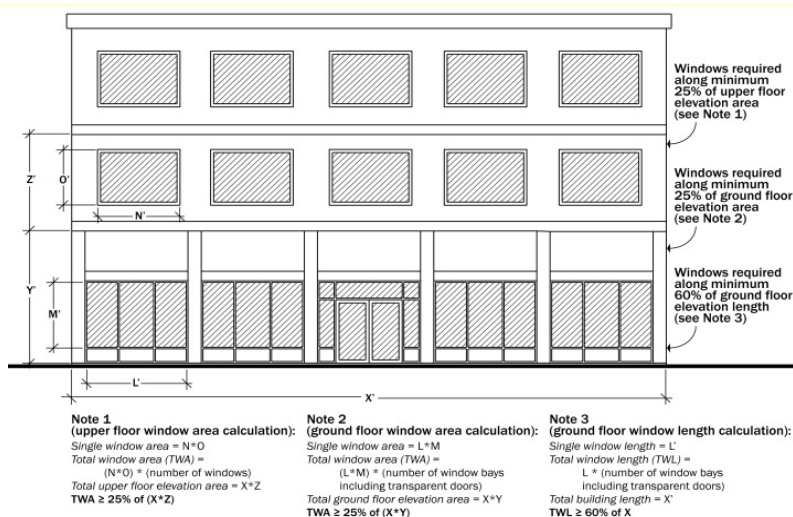
**(a) Siting and Street Façade.**

1. Buildings shall be provided along a minimum of 50 percent of the street facing property line no further than 10 feet from the front property line.
2. The 10-foot maximum setback can be exceeded if land between the building and front property line is landscaped or paved and includes enhanced pedestrian amenities as defined in Section EC 9.2175(6)(a) which are accessible to the public.
3. Buildings must be a minimum of 40 feet deep in order to accommodate retail uses.
4. Buildings fronting on Franklin Boulevard shall provide a main entrance on that street. Buildings fronting on other streets shall provide at least one main entrance on a street.
5. Vehicular parking and circulation is not permitted between the building and the portion of the front property line used to meet subsection (1-4) above.
6. Except for walls facing an alley, building facades 100 feet or greater in length shall incorporate wall plane projections/recessions having a combined depth of at least 3 percent of the length of the façade extending at least 20 percent of the length of the façade.



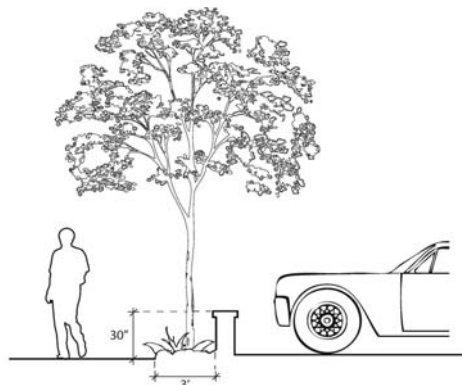
**(b) Window Coverage.**

1. Windows are required along all street facing ground floor walls at a minimum of 60 % of the horizontal length and 25 % of the area of applicable ground floor walls.
2. Windows are required along all alley facing ground floor walls at a minimum of 30 % of the length and a minimum of 25 % of the area of applicable ground floor walls.
3. Windows shall cover a minimum of 25 % of the wall area for all floors above the ground floor, including alley-facing facades.
4. A blank length of wall more than 20 linear feet is prohibited along any street or alley façade, unless required for elevator shafts or utility facilities.
5. Structured parking is exempt from the window requirements, but shall provide openings at the percentages specified herein.
6. All windows shall have a minimum Visible Transmittance (VT) of 0.6 or higher.



**(c) Landscape Specifications.**

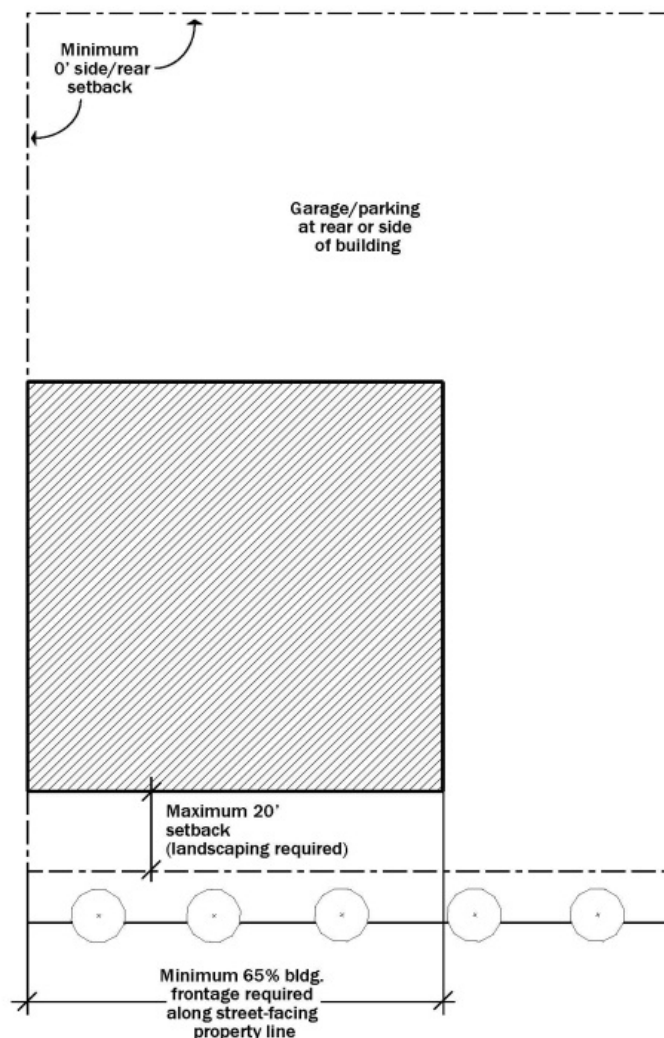
1. There is no minimum landscape requirement, except as specified in EC 9.3970(7).
2. All surface parking areas shall have a landscaped bed around the perimeter measuring five feet in width and landscaped to a minimum of the L-2 standard.
3. The width of the landscaped bed may be reduced to three feet when a solid wall measuring at least 30 inches in height is provided. The three foot bed shall be landscaped to the L-1 standard.



**(2) Urban General Frontage District (S-WS/UG)**

**(a) Siting and Street Façade.**

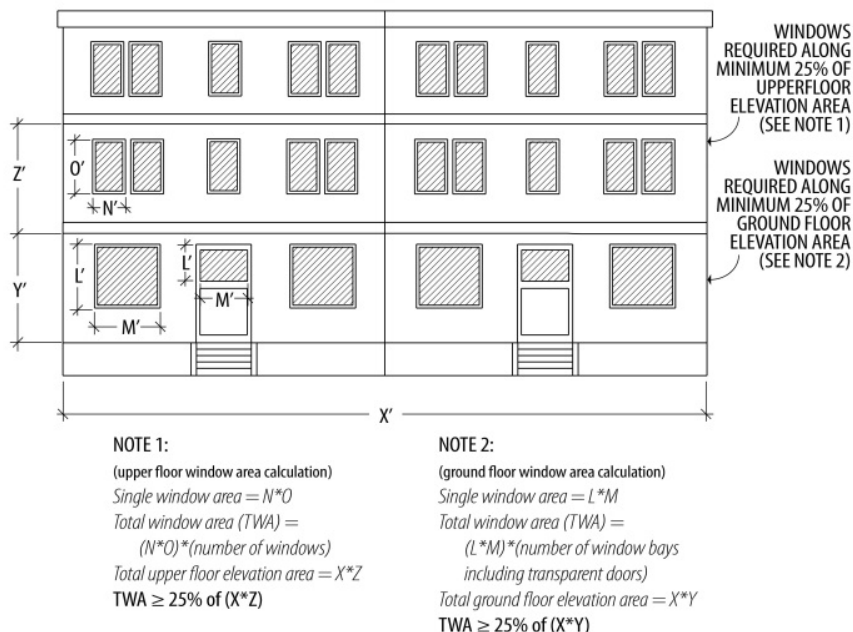
1. Buildings shall be provided along a minimum of 65 percent of the street facing property line no further than 20 feet from the front property line. 50 percent of the street facing ground floor building façade shall be built to within 10 feet of the front property line.
2. The 20 foot maximum can be exceeded if land between building and front property line is landscaped or paved and includes pedestrian amenities as defined in Section EC 9.2175(6)(a) which are accessible to the public.
3. Buildings shall provide a main entrance on the street which they front.
4. Vehicular parking and circulation is not permitted between the building and the portion of the front property line used to meet subsection (1-3) above.
5. Except for walls facing an alley, building facades 100 feet or greater in length shall incorporate wall plane projections/recessions having a depth of at least 3 percent of the length of the façade extending at least 20 percent of the façade



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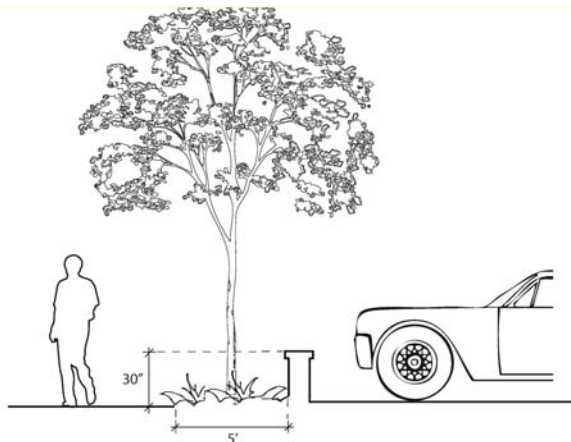
### (b) Window Coverage.

1. Windows are required along a minimum of 25 percent of the area of all ground floor and upper floor walls facing a street.
2. A blank length of wall more than 20 linear feet is prohibited along any façade. Windows, arcades, colonnades or balconies can be used to address this standard.
3. All windows shall have a minimum Visible Transmittance (VT) of 0.6 or higher.
4. Structured parking is exempt from the window requirements, but shall provide openings at the percentages specified herein.



### (c) Landscape Specifications.

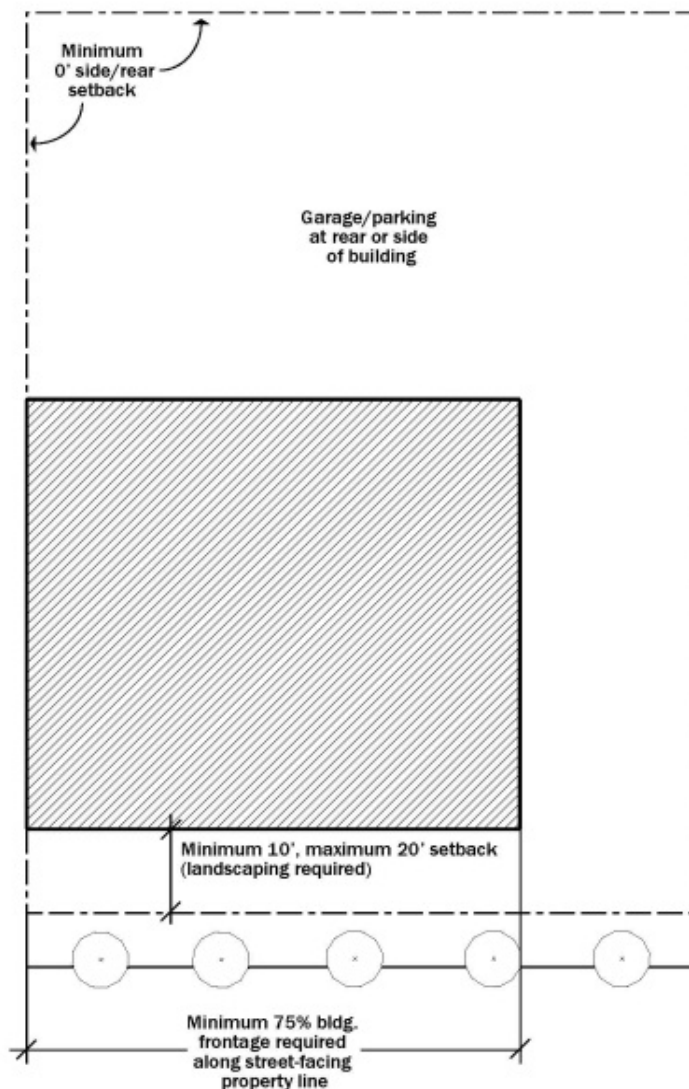
1. Ten percent (10%) of the total area of all development sites shall be landscaped.
2. All surface parking areas shall have a landscaped bed around the perimeter measuring seven feet in width and landscaped to a minimum of the L-2 standard. The width of the landscaped bed may be reduced to five feet when a solid wall measuring at least 30 inches in height is provided.



**(3) Transition Edge 15th Avenue Frontage District (TE-15th including Orchard)**

**(a) Siting and Street Façade.**

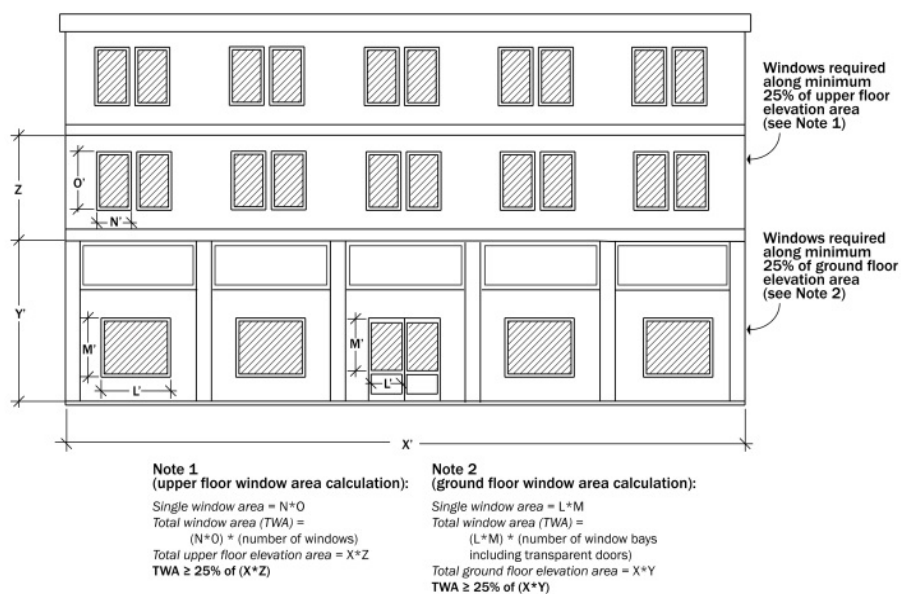
1. Buildings shall be provided along a minimum of 75 percent of the street facing property line no further than 20 feet from the property line.
2. Buildings shall have a 10-foot minimum front setback.
3. The 20 foot maximum setback can be exceeded if land between building and front property line is landscaped or paved and includes pedestrian amenities as defined in Section EC 9.2175(6)(a) which are accessible to the public.
4. Buildings shall provide a main entrance on the street which they front.
5. Vehicular parking and circulation is not permitted between the building and the portion of the front property line used to meet subsection (1-3) above.
6. Except for walls facing an alley, building facades 100 feet or greater in length shall incorporate wall plane projections/recessions having a depth of at least 3 percent of the length of the façade extending at least 20 percent of the façade.



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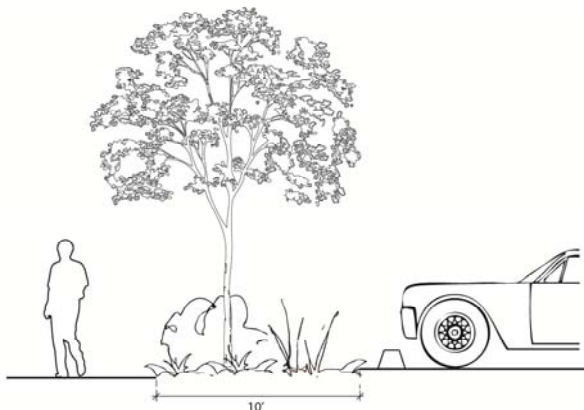
### (b) Window Coverage.

1. Windows are required along a minimum of 25 percent of the area of all street facing ground floor and upper floor walls. A blank length of wall more than 20 linear feet is prohibited along any façade. Windows, arcades, colonnades or balconies can be used to address this standard.
2. Structured parking is exempt from the window requirements, but shall provide openings at the percentages specified herein.
3. All windows shall have a minimum Visible Transmittance (VT) of 0.6 or higher.



### (c) Landscape Specifications.

1. 15 percent (15%) of the total area of all development sites shall be landscaped.
2. All surface parking areas shall have a landscaped bed around the perimeter measuring ten feet in width and landscaped to a minimum of the L-2 standard.



**9.3980 S-WS Walnut Station Special Area Zone Design Review**

- (1) As an alternative to designing a development that complies with all of the development standards otherwise applicable in the S-WS Walnut Station Special Area Zone, an applicant may apply for city approval of a proposed development through the design review process beginning with EC 9.8110 Design Review- Purpose. Telecommunications facilities are not eligible for the design review option.
- (2) The planning director shall approve, conditionally approve, or deny a design review application based on compliance with the following criteria:
  - (a) Consistency with design objectives listed at EC 9.3950 Purpose of the S-WS Walnut Station Special Area Zone.
  - (b) The project seeking design review approval will achieve an equivalent or higher quality design than would result from strict adherence to the otherwise applicable standards through:
    1. A building orientation, massing, articulation, and façade that contributes positively to the surrounding urban environment and;
    2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural features, high quality materials, outdoor seating, pedestrian scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, un-tinted glass.
  - (c) Impacts to any adjacent residentially zoned properties are minimized. Design elements for this purpose may include treatment of building massing, setbacks, stepbacks, screening and landscaping.
  - (d) New buildings shall not increase the shadow cast more than 20% of the maximum shadow area that would be cast by a building that complied with applicable height, stepback, and setback requirements of this Chapter. Building shadow shall be measured at 3:00 p.m. on April 21 of any year.
  - (e) The adverse effects of motor vehicle movement shall be mitigated as much as possible. Primary vehicular access to the lands north of 15th Avenue and east of Walnut Street should minimize impact on nearby residences and Fairmount Park.
  - (f) Proposed development shall mitigate the storage effects of motor vehicle parking and parking impacts on the surrounding neighborhood shall be reasonably mitigated by minimizing off-street parking. This can be accomplished through the use of shared parking agreements, car sharing and bus pass programs, and other Transportation Demand Management Strategies.

*(Section 9.3980 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

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## Overlay Zones

### General

**9.4000 Overlay Zones - Purpose and Applicability of Standards.** Overlay zones are intended to provide special regulations and standards that supplement the base zone and special area zone regulations and standards. In addition to the applicable provisions in this code, the development standards in EC 9.4050 through 9.4860 shall apply to any development in the applicable overlay zone, unless otherwise provided in those sections.

*(Section 9.4000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **/# Residential Density Range Overlay Zone**

**9.4050 Purpose of Residential Density Range Overlay Zone.** The residential density range overlay zone is intended to narrow the density range normally allowed in the base zone or special area zone to achieve one or more of the following:

- (1) Increase the efficiency of public services and facilities.
- (2) Ensure higher densities in appropriate locations, such as transit corridors or nodes.
- (3) Ensure lower densities in areas with significant natural resources or environmental site constraints such as steep slopes or natural hazards.
- (4) Promote preservation of existing neighborhood character distinguished by significant architectural or historic resources.

*(Section 9.4050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4060 Applicability.** The residential density overlay zone applies to all property where /# is indicated on the Eugene overlay zone map. The Residential Density Range overlay zone only pertains to requirements for lot area per dwelling unit and residential net density as indicated on the Eugene overlay zone map. The provisions of the residential density range overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

*(Section 9.4060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4065 Standards.** Suffix numbers, including but not limited to the following examples, shall indicate the maximum number of dwelling units permitted per net acre or, as indicated with the use of a second number, both the minimum and maximum net residential density. The following are examples of suffixes for the residential density range overlay zone and their density equivalents:

<u>Suffix Numbers</u> (examples)	<u>Density Range</u>
/5	Maximum density of 5 dwelling units per net acre; no minimum density.
/5-10	Minimum density of 5 dwelling units per net acre, maximum density of 10 dwelling units per

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net acre.

Previously established suffixes described in terms of the maximum allowed dwelling units per gross acre shall hereafter be described as the maximum allowed dwelling units per net acre. (Refer also to Table 9.2750.)

*(Section 9.4065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **/BW Broadway Overlay Zone**

- 9.4070** **Purpose of /BW Broadway Overlay Zone.** The /BW overlay zone is intended to implement the Metro Plan and TransPlan by:
- (1) Establishing, strengthening, and maintaining a high quality urban environment with compatible commercial, residential and recreational uses.
  - (2) Creating a pedestrian- friendly environment.
  - (3) Encouraging active retail uses and eating establishments on the ground floor.
  - (4) Prohibiting development and activities that are antithetical to pedestrian activity along the street.
  - (5) Making Broadway a major destination in Downtown for both daytime and night time activities.
  - (6) Creating development standards that:
    - (a) Improve the quality and appearance of development in the city.
    - (b) Ensure that such development is complementary to the community as a whole.
    - (c) Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety.
    - (d) Increase opportunities for use of alternative modes of transportation.
    - (e) Promote streetscapes that are consistent with the desired character of the underlying commercial zones.
    - (f) Promote safe, attractive, and functional pedestrian circulation systems in commercial areas.
  - (7) Encourage residential uses, especially above the ground floor.

*(Section 9.4070 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)*

- 9.4075** **/BW Broadway Overlay Zone Siting Requirements.** If consistent with the approval criteria in EC 9.8865 Zone Change Approval Criteria, the /BW Broadway Overlay Zone may be applied to properties abutting Broadway between Charnelton and Oak Streets but not to historic properties. (See EC 9.0500)

*(Section 9.4075 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)*

- 9.4080** **Applicability.** The /BW overlay zone applies to all property to which the /BW overlay zone has been applied through the City's rezoning process.

*(Section 9.4080 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)*

- 9.4085** **/BW Broadway Overlay Zone Development Standards.**

- (1) (a) Application of Standards. The General Standards for All Development in EC 9.6000 through EC 9.6885, the special standards for specific uses in EC 9.5000 through EC 9.5850, as well as all development standards in the applicable base zone apply within this overlay zone. In the event of a conflict between the development standards, the specific provisions of EC 9.4085 through EC 9.4090 shall control. The /BW standards in this section only apply to:
  1. Uses established after November 25, 2002.
  2. New development on vacant land

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3. New structures on redevelopment sites, such as conversion of a parking area to a building or demolition of a building and construction of a new building.
  4. A proposed expansion of 30% or more of the total existing structure square footage on the development site.
  5. A proposed exterior modification affecting 30% or more of the ground floor wall surface facing Broadway. These modifications must comply only with the standards at EC 9.4085(3), (5), (7) and (8).
- (b) Adjustment. The development standards in EC 9.4085(2) through (9) may be adjusted in accordance with the criteria for adjustment of standards within the Downtown Plan Area at EC 9.8030(16).
- (c) Nonconforming Uses. Notwithstanding EC 9.1220(3), a legally established use that does not conform to the allowed uses for the /BW Broadway Overlay Zone may expand its square footage by up to 30% of the area occupied by the use on November 25, 2002.
- (2) **Building Setback**. At least 70% of the Broadway-facing linear footage of first and second floors shall have a maximum two-foot building setback.
  - (3) **Entrances**. For buildings that are not on street corners, main building entrances shall face Broadway. Main entrances on corner buildings may face the corner.
  - (4) **Building Height**. A building shall provide either a floor-to-ceiling first floor minimum height of 12 feet for new construction, or a two-story entry space with corresponding glazed area of no less than one-third of the building width along Broadway.
  - (5) **Building Facade**. At least 75 percent of Broadway-facing first floor wall area shall have openings, glazing, display windows or doorways with at least 75 percent of the total door faces being glazing, or a combination thereof. The openings, glazing and display windows must allow two-way visibility. Mullions and other solid components normally associated with glazed window systems may be counted as part of the glazing for purposes of this section. Dwelling units on the ground floor are exempt from this requirement.
  - (6) **Lighting**. Notwithstanding any other provisions of this code, outdoor lighting of a building facade is permitted if provided in accordance with the standards for buildings of exceptional symbolic or historic significance (refer to EC 9.6725(13)).
  - (7) **Rain Protection**. For every building abutting Broadway, awnings, canopies or recessed entries, or a combination of these, shall provide at least 30 inches of rain protection along at least 50 percent of that building's walls abutting Broadway.
  - (8) **Building Projections**. Building projections such as bay windows and functional balconies shall be permitted for no more than 30 percent of the length of the affected floor along Broadway. No projection shall extend to more than three feet over the right-of-way.
  - (9) **Outdoor Storage**. No outdoor storage shall be permitted except for equipment used by an outdoor café permitted pursuant to EC 3.344(3) during the period from March 1 through November 30.
  - (10) **Ground Floor Use**. Ground floor non-residential uses located within 15 feet of the Broadway facade must accommodate walk-in customer service.

*(Section 9.4085 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25,*

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2002; amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)

- 9.4090 Prohibited Uses in the /BW Broadway Overlay Zone.** The following uses are specifically prohibited in the /BW Broadway Overlay Zone:
- (1) Parking garages visible on the Broadway frontage at any level.
  - (2) Outdoor storage, except for temporary events.
  - (3) Warehousing, heavy industry, primary storage, or telecommunication facilities (excluding call centers), unless as a secondary use for a use permitted in the /BW Broadway Overlay Zone.
  - (4) Uses which include a new vehicular access to Broadway.
  - (5) Awnings classified as “temporary structures,” except for special events.
  - (6) Motor Vehicle Related Uses.
    - (a) Car washes.
    - (b) Parts stores.
    - (c) Recreational vehicle and heavy truck, sales/rental/service.
    - (d) Motor vehicle and motorcycle sales/rental/service.
    - (e) Service stations, includes quick servicing and automobile repair.
    - (f) Tires, sales/service.
    - (g) Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
    - (h) Lots or parcels used exclusively for parking.
    - (i) New drive-through facilities.
  - (7) Trade (Retail and Wholesale).
    - (a) Agricultural machinery rental/sales/service.
    - (b) Boats and watercraft sales and service.
    - (c) Equipment, heavy, rental/sales/service.
    - (d) Manufactured dwelling sales/service/repair.

(Section 9.4090 added by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

## **/CAS Commercial Airport Safety Overlay Zone**

**9.4100 Purpose of /CAS Airport Safety Overlay Zone.** The /CAS Commercial Airport Safety overlay zone affects lands adjacent to and within the Eugene Airport. This overlay zone is intended to achieve the following:

- (1) Prevent the creation or establishment of an obstruction that has the potential of being a public nuisance or may be a danger to persons or property in the area served by the Eugene Airport.
- (2) Prevent the creation or establishment of obstructions that are a hazard to air navigation.

*(Section 9.4100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4110 Applicability.** This /CAS overlay zone is applied to those lands within the city's jurisdiction that are encompassed by the sectors described in this overlay zone and as indicated in the Eugene overlay zone map. The provisions of the /CAS overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

*(Section 9.4110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4120 Commercial Airport Safety Overlay Zone Terms.** As used in this overlay zone, unless the context requires otherwise, the following words and phrases mean:

**Airport Elevation.** The highest point of the Eugene Airport's usable landing area measured in feet from sea level.

**Airspace Plan.** A plan shown as Sheet Number 6 and 7 of 13 of the Airport Layout Plan and identified as being part of the 2000 Eugene Airport Master Plan on file in the Eugene Department of Public Works and at the Eugene Permit and Information Center. (Refer to Map 9.4120 Airspace Plan.)

**Centerpoint Coordinates.** In this overlay zone, the centerpoint coordinates at the ends of each runway primary surface have the following plan coordinates (from the Oregon Coordinate System of 1927, South Zone) and elevations (from the 1929 North American Vertical Datum):

<b>Table 9.4120 Centerpoint Coordinates</b>			
<b>Runway</b>	<b>Centerpoint North (1927 OCS)</b>	<b>Coordinates East (1927 OCS)</b>	<b>Centerpoint Elevations in Feet Above Mean Sea Level (1929 NAVD)</b>
16R-	911,405	1,286,499	356
34L	902,212	1,286,300	361
16L-	910,367	1,290,774	370
34R	904,370	1,290,649	355
3-	904,559	1,284,617	365.5
21	908,000	1,288,540	359

**Hazard to Air Navigation.** An obstruction determined to have a substantial adverse effect on the safe and efficient use of navigable airspace.

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**Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height as set forth in this overlay zone.

**Primary Surface.** A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is set forth in the airport sector descriptions in this overlay zone. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline.

**Runway.** A defined area in the Eugene Airport Master Plan that is prepared for aircraft landing and take-off along its length.

**Structure.** An object, including a mobile object, constructed or installed by a human being(s), including but not limited to buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

*(Section 9.4120, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4130 Use Limitations.** In the Commercial Airport Safety overlay zone, the following limitations and standards apply to all uses permitted outright or conditionally in the base zone to which the overlay is applied:

- (1) Operational Interference.** No use shall:
  - (a) Create electrical interference with the navigational signals or radio communication between the airport and aircraft;
  - (b) Make it difficult for pilots to distinguish between airport lights and others;
  - (c) Result in glare in the eyes of pilots using the airport;
  - (d) Impair visibility in the vicinity of the airport;
  - (e) Create bird strike hazards, or
  - (f) In any way otherwise endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.
- (2) Marking and Lighting.** The owner of any existing structure, object, or vegetation that does not conform to the height limits of this overlay zone shall be required to permit the installation, operation, and maintenance thereon of markers and lights as deemed necessary by the city to indicate to aircraft operators in the vicinity of the airport the presence of those aircraft instructions. The markers and lights shall be installed, operated and maintained at the city's expense.
- (3) Height.** The maximum height of structures and objects shall normally be the same as the zones to which the commercial airport safety overlay zone is added. However, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to penetrate the surface heights of the various sectors as described below and shown on the Airspace plan. These sectors include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Eugene Airport. An area located in more than one sector is considered to be only in the sector with the most restrictive height limit. For purposes of this overlay zone, to determine height limits, the datum is mean sea level elevation unless otherwise specified.

Runways 16L-34R and 16R-34L Approach Sectors. Runway 16R-34L is an existing, precision instrument runway. Runway 16L-34R is a future precision instrument runway. The inner edge of both of their approach

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sectors coincide with the width of the runway primary surfaces and are 1000 feet wide. The approach sectors expand outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surfaces. Their centerlines are a continuation of the runway centerlines beginning at the centerpoint coordinates. The surfaces of the Runway 16L-34R and Runway 16R-34L approach sectors slope 50 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surfaces and extend to a horizontal distance of 10,000 feet along the extended runway centerlines; thence slope upward 40 feet horizontally for each 1 foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerlines.

Runway 3-21 Approach Sectors. Runway 3-21 is a non-precision runway. The inner edge of the runway's approach sectors coincide with the width of the runway's primary surface and are 500 feet wide. The approach sectors expand outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Their centerlines are a continuation of the runway centerline beginning at the centerpoint coordinates. The surfaces of the Runway 3-21 approach sectors slope 34 feet outward for each 1 foot upward beginning at the end of and at the same elevation as the primary surface and extend to a horizontal distance of 10,000 feet along the extended runway centerline.

Transitional Sectors. The surfaces of the transitional sectors extend outward and upward at 90 degrees to the runway centerlines and runway centerlines extended at a slope of 7 feet horizontally for each foot vertically from the sides of and beginning at the same elevations as the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces extend to a height of 150 feet above the airport elevation which is 365 feet above mean sea level. Transitional surfaces for those portions of the Runway 16L-34R and 16R-34L precision approach surfaces, which project through and beyond the limits of the conical surface, extend at a slope of 7 feet horizontally for each foot vertically a horizontal distance of 5,000 feet measured horizontally from the edges of the approach surfaces and at 90 degrees to the extended runway centerlines.

Horizontal Sector. The horizontal sector encompasses the area obtained by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. However, the horizontal sector does not include the approach and transition sectors. The surface of the horizontal sector is a horizontal plane that is 515 feet above mean sea level. That is 150 feet above the airport elevation.

Conical Surface. The surface of the conical sector extends at a slope of 20 feet outward for each foot upward from the periphery of a horizontal surface for a horizontal distance of 4,000 feet. It begins 150 feet above the airport's elevation and extends to a height of 350 feet above the airport's elevation.

*(Section 9.4130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*



## **/EC East Campus Overlay Zone**

**9.4200 Purpose of the /EC East Campus Overlay Zone.** The /EC East Campus Overlay Zone is intended to implement the Fairmount/University of Oregon Special Area Study by providing for a land use transition between the University of Oregon and the adjacent low density residential neighborhood to the east and south.

*(Section 9.4200 added by Ordinance No. 20312, enacted March 8, 2004, effective April 7, 2004.)*

**9.4205 /EC East Campus Overlay Zone Siting Requirements.** If consistent with the approval criteria in EC 9.8865 Zone Change Approval Criteria, the /EC Overlay Zone may be applied to the area depicted as Limited High Density Residential/Limited Institutional on the Fairmount/University of Oregon Special Area Study Land Use Diagram.

*(Section 9.4205 added by Ordinance No. 20312, enacted March 8, 2004, effective April 7, 2004.)*

**9.4210 /EC East Campus Overlay Zone Applicability.** The /EC Overlay Zone applies to all property to which the /EC Overlay Zone has been applied through the City's rezoning process.

*(Section 9.4210 added by Ordinance No. 20312, enacted March 8, 2004, effective April 7, 2004.)*

**9.4215 /EC East Campus Overlay Zone Prohibited Uses and Special Use Limitations.**

**(1) Prohibited Uses.**

- (a) Structured parking.
- (b) Broadcasting studios including commercial and public education.
- (c) University and college dormitories.
- (d) Fraternities and sororities.
- (e) Hospitals.
- (f) Retail use requiring a Transportation Impact Analysis.
- (g) Manufacturing and assembly uses.
- (h) Arenas.
- (i) Heliports and helistops.
- (j) Recycling and large collection facilities.
- (k) Recycling scrap and dismantling yards.
- (l) Race tracks, including drag strips and go-cart tracks.
- (m) Sewage treatment plants.
- (n) Correctional facilities.
- (o) Parking lots exceeding 100 spaces.
- (p) Service stations.
- (q) Mineral resource mining.
- (r) Blood banks.
- (s) Plasma centers.

**(2) Special Use Limitations.** Within the /EC East Campus Overlay Zone, camping is permitted for a maximum of 2 continuous days only when directly tied to a special event permit held for the location of the camping site. A special event permit approving camping is required by the City to ensure minimal impact on the surrounding neighborhood.

*(Section 9.4215 added by Ordinance No. 20312, enacted March 8, 2004, effective April 7, 2004.)*

**9.4220 /EC East Campus Overlay Zone Development Standards.**

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- (1) **Application of Standards.** The General Standards for all Development in EC 9.6000 through EC 9.6885, the special standards for specific uses in EC 9.5000 through EC 9.5850, as well as all development standards in the applicable base zone apply within this overlay zone, including triggers for Traffic Impact Analysis and Site Review for certain uses in the PL zone. In the event of a conflict between the development standards, the specific provisions of EC 9.4215 and 9.4220 shall control. The standards in this section only apply to:
- (a) New development on vacant land.
  - (b) New structures on redevelopment sites, such as conversion of a parking area to a building or demolition of a building and construction of a new building.
  - (c) A proposed expansion of 30% or more of the total existing structure square footage.
- (2) **Building Height.** Within the /EC East Campus Overlay Zone, a building within 60 feet of an R-1 Low Density Residential zone shall not exceed 30 feet in height. All other buildings shall not exceed 45 feet in height.

*(Section 9.4220 added by Ordinance No. 20312, enacted March 8, 2004, effective April 7, 2004.)*

## **/ND Nodal Development Overlay Zone**

**9.4250 Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.

*(Section 9.4250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002.)*

**9.4260 Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Except as provided in EC 9.7810, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro Plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.

*(Section 9.4260, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 10, 2003.)*

**9.4270 Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:

- (1)** New development on vacant land.
- (2)** New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
- (3)** An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.

The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.

*(Section 9.4270, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and administratively corrected February 19, 2003.)*

**9.4280 Prohibited Uses and Special Use Limitations.**

- (1) Prohibited Uses.**
  - (a) Motor Vehicle Related Uses.**
    1. Car washes.

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2. Parts stores.
  3. Recreational vehicle and heavy truck, sales/rental/service.
  4. Motor vehicle and motorcycle sales/rental/service.
  5. Service stations, includes quick servicing.
  6. Tires, sales/service.
  7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
  8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.
- (b) Trade (Retail and Wholesale).
1. Agricultural machinery rental/sales/service.
  2. Boats and watercraft sales and service.
  3. Equipment, heavy, rental/sales/service.
  4. Manufactured dwelling sales/service/repair.
- (2) **Special Use Limitations.**
- (a) Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, no use may include a drive-through facility, unless explicitly permitted in a refinement plan. Within the Downtown Plan Area:
1. Drive-through only establishments are not permitted.
  2. For a structure that has two or more functional floors, a drive-through facility is permitted.
  3. For a structure that has only one functional floor, a drive-through facility to provide financial services, pharmaceutical prescription dispensing, or government services may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).
- (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building on the development site may contain 50,000 square feet of building area on the ground floor.

*(Section 9.4280, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002; amended by Ordinance No. 20302, enacted November 10, 2003, effective December 10, 2003; amended by Ordinance No. 20506, enacted February 11, 2013, effective March 16, 2013; amended by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)*

**9.4290** **Density and Development Standards.** In addition to the requirements of the base zone, the following standards shall apply to all development, except that the standards in subsection (2) and (3) do not apply to single-family dwellings or duplexes:

- (1) **Minimum Residential Density and Floor Area Ratio (FAR).**
- (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
- (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).

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- (c) Where the base zone is E-1, E-2, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).
- (2) Building Setbacks.**
  - (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
  - (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.
- (3) Parking Between Buildings and the Street.**
  - (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
  - (b) For a development site that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
  - (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.
  - (d) For a development site with frontage on more than one street, these standards only apply along one street frontage.
- (4) Adjustments.** An adjustment to any of the standards in this section may be made based on the criteria in EC 9.8030(31).

*(Section 9.4290, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20263, enacted October 30, 2002, effective November 29, 2002; Ordinance 20433, enacted June 8, 2009, effective July 10, 2009; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

## **/PD Planned Unit Development Overlay Zone**

**9.4300** **Purpose of /PD Planned Unit Development Overlay Zone.** The /PD Planned Unit Development overlay zone is intended to achieve all of the following:

- (1)** Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of facilities for the circulation of automobiles, pedestrians, bicycles, and mass transit, parking, storage, and other considerations related to site design.
- (2)** Promote an attractive, safe, efficient, and stable environment that incorporates a compatible variety and mix of uses and dwelling types.
- (3)** Provide for economy of shared services and facilities.
- (4)** Encourage the construction of a variety of housing types at price ranges necessary to meet the needs of all income groups in the city.
- (5)** Enhance the opportunity to achieve higher densities.
- (6)** Preserve natural resource areas.

*(Section 9.4300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4310** **Applicability.** The /PD overlay zone applies to all property where /PD is indicated on the Eugene overlay zone map, or when the PUD process is required by an adopted refinement plan. The PUD process may also be used at the request of the property owner. The provisions of the /PD overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies. Within the /PD overlay zone, applications for development permits shall not be accepted by the city for development until the development is approved according to the PUD procedures beginning at EC 9.8300 Purpose of Planned Unit Development.

*(Section 9.4310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **/SR Site Review Overlay Zone**

**9.4400** **Purpose of /SR Site Review Overlay Zone.** The /SR Site Review overlay zone is intended to achieve both of the following:

- (1)** Maintain or improve the character, integrity, and harmonious development of an area.
- (2)** Provide a safe, stable, efficient, and attractive on-site environment.

*(Section 9.4400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4410** **Applicability.** The /SR overlay zone applies to all property where /SR is indicated on the Eugene overlay zone map. In addition, the /SR overlay zone may be required by a refinement plan. Applications for development permits shall not be accepted by the city for development in a /SR overlay zone until the site review plan is approved according to the site review procedures in this land use code. The provisions of the /SR overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

*(Section 9.4410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **/TD Transit Oriented Development Overlay Zone**

**9.4500**     **Purpose of /TD Transit Oriented Development Overlay Zone.** The /TD Transit Oriented Development Overlay Zone is intended to promote the creation and retention of mixed land uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have increased emphasis in areas with the /TD overlay zone. The development standards are designed to encourage compact urban growth, opportunities for increased choice of transportation mode, reduced reliance on the automobile, and a safe and pleasant pedestrian environment, by insuring an attractive streetscape, a functional mix of complementary uses, and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.  
*(Section 9.4500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4510**     **Applicability.** The /TD Transit Oriented Development Overlay Zone applies to all property where /TD is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. (Refer to Map 9.4510 Transit Oriented Development Overlay Zone.) The /TD standards in EC 9.4530 apply to the following:

- (1) New development on vacant land.
- (2) New structures on redevelopment sites, such as conversion of a parking area to a building or demolition of a building and construction of a new structure.
- (3) An expansion of 30% or more of the total existing building square footage on the development site.

The provisions of the /TD overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies.

*(Section 9.4510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4520**     **/TD Transit Oriented Development Overlay Zone Land Use and Permit Requirements.** The application of the /TD overlay zone does not change the list of uses permitted, conditionally permitted, or subject to special standards in the base zone or special area zone.

*(Section 9.4520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4530**     **/TD Transit Oriented Development Overlay Zone Development Standards.**

**(1) Building Setbacks.**

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

**(2) Building Orientation.**

- (a) Buildings fronting on a street must provide a main entrance on the facade of the building that is within the 15 foot maximum street setback facing the street. A main entrance is the principal entry through which people enter the building. A building may have more than one main entrance. **(Refer to Figure 9.4530(2) Building Orientation in /TD Areas.)**
- (b) Buildings having frontage on more than one street shall provide at least



one main entrance oriented to a street with transit facilities, or to the corner where two streets intersect.

**(3) Minimum Floor Area Ratio (FAR).**

- (a) The total minimum floor area of buildings on a lot within the core /TD area as shown on Map 9.4510 Transit Oriented Development Overlay Zone shall not be less than 2 square feet of floor area to 1 square foot of the lot (2.0 FAR). The total floor area of any building on a lot within the /TD area outside that core area shall not be less than 0.65 square feet of floor area to 1 square foot of the lot (0.65 FAR). **(See Figure 9.4530(3) Floor Area Ratio Calculation).**
- (b) Major transit facilities, existing development and expansions of existing development are exempt from FAR requirements.
- (c) At-or-below-grade parking within the building's footprint and areas used for enhanced pedestrian spaces and amenities accessible to the public may be credited to satisfy the minimum floor area requirement. Credit for pedestrian spaces and amenities shall be applied at the rate of 2 square feet of floor area for each 1 square foot of enhanced pedestrian space. Enhanced pedestrian spaces and amenities include plazas, arcades, sheltered or recessed entries, galleries, courtyards, outdoor cafes, and widened public sidewalks (more than 6 feet wide outside of the public right-of-way), with benches, shelters, street furniture, public art, kiosks, or space for outdoor vending.
- (d) The building and permit services manager shall allow basement areas to be calculated as part of the gross square footage of the building, for purposes of calculating floor area ratio, if the basement is designed and constructed as permanent underground parking, office or retail use.

**(4) Parking Between Buildings and the Street.**

- (a) Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street.
- (b) For a development site that abuts a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c).
- (c) For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street. **(See Figure 9.4530(6) Parking Between Buildings and the Street in /TD Area.)**
- (d) For a development site with frontage on more than one street, these standards only apply along one street frontage.

**(5) Structured Parking.** Structured parking on sites that abut a street shall have at least 50 percent of the ground floor street frontage developed for office, retail or other pedestrian-oriented uses. This standard does not apply to parking facilities that are totally underground.

**(6) Improvements Between Buildings and Streets.** The land between a building or exterior improvement and a street must be landscaped and/or paved with a hard surface for use by pedestrians. If hard-surfacing is provided, the area must contain pedestrian amenities such as seating areas, drinking fountains, and/or other design elements (such as public art, planters,

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and kiosks). The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this requirement.

**(See Figure 9.4530(8) Improvements Between Buildings and Streets in /TD Areas.)**

- (7) Adjustments.** An adjustment to any of the standards in this section may be made based on the criteria in EC 9.8030(32).

*(Section 9.4530, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20412, enacted July 14, 2008, effective August 16, 2008; and amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009; amended by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)*

## **/UL Urbanizable Land Overlay Zone**

**9.4600**     **Purpose of /UL Urbanizable Land Overlay Zone.** The /UL Urbanizable Land Overlay Zone is intended to ensure that development activities in unincorporated areas will not inhibit future development at planned urban levels or the provision of services in an orderly, efficient, and timely manner. The /UL overlay zone coordinates development activity with procedures for systematic, logical, and equitable incorporation into the city limits and requires general conformance to the city's urban development standards.

*(Section 9.4600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4610**     **Applicability.** The /UL overlay zone applies to all unincorporated areas between the Eugene city limits and the Metropolitan Area General Plan urban growth boundary. The provisions of the /UL overlay zone supplement those of the applicable base zone or special area zone. Where the overlay zone and base zone or special area zone provisions conflict, the more restrictive requirement applies. The /UL overlay zone is automatically removed from land upon its annexation to the city.

*(Section 9.4610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4620**     **/UL Land Divisions and Property Line Adjustments.** Land shall not be divided and no lot lines may be adjusted in the /UL overlay zone if such division or modification would result in an increase in the number of developable lots or if the development potential of the existing lots increases. An exception to the requirements of this section may be granted by the planning director under either of the following circumstances:

- (1) The resulting lots all exceed 40 acres in area.
- (2) The subject property is owned or occupied by a government agency or public utility.

*(Section 9.4620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4630**     **/UL Urbanizable Land Overlay Zone Land Use and Permit Requirements.**

- (1) The application of the /UL overlay zone does not change the list of uses permitted, conditionally permitted, or subject to special standards in the base zone or special area zone.
- (2) The planning director may approve additional uses upon positive findings on all the following requirements:
  - (a) Key urban services are not located within 300 feet of the site.
  - (b) Execution of an annexation agreement as provided in EC 9.4640.
  - (c) Lane County approval of and certification that any proposed on-site sewage disposal system meets applicable state standards and that the system will not restrain the property's conversion to planned urban density and use in the future.
- (3) Prior to development of a site the planning director may require submission of a conceptual plan showing that ultimate development of the subject property and surrounding area will be possible at urban densities and uses in accordance with applicable plans and ordinances.

*(Section 9.4630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4640 Annexation and/or Annexation Agreements.**

- (1) Annexation of the entire development site, or execution of a consent to annexation agreement is required prior to any of the following actions:
  - (a) Any zone change or planned unit development approval if the development potential of the existing lot(s) would increase, or the proposed or allowable uses will generate, singly or in the aggregate, a direct additional need for key urban facilities and services.
  - (b) Approval of any new dwelling unit(s), commercial or employment and industrial development.
  - (c) Approval of an expansion of an existing commercial or employment and industrial development if the proposed use will generate, singly or in the aggregate, a direct additional need for key urban facilities and services provided by the city.
- (2) The following uses are exempt from the requirement of annexation or execution of an annexation agreement unless otherwise required by this section:
  - (a) Agricultural uses.
  - (b) Management, growing, and harvesting of forest products, including Christmas trees, but excluding primary timber processing operations or vehicle equipment maintenance facilities.
  - (c) Sale of agricultural products and livestock grown or raised on the premises.
  - (d) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.
  - (e) One single family home or 1 mobile home per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.
  - (f) Home occupations.
  - (g) A single temporary dwelling installed with a temporary manufactured dwelling hardship permit.
  - (h) Public infrastructure necessary for the area and allowed pursuant to a city-approved legal agreement.
  - (i) Pump stations, well heads, non-elevated reservoirs, and other water or sewer facilities.
- (3) A consent to annexation agreement required by subsection (1) of this section shall provide for and be limited in its use to the following contingencies:
  - (a) The annexation shall be contingent upon the city being contiguous to the area proposed to be annexed. For purposes of applying this paragraph, a property is not considered contiguous to the city unless it is contiguous to the main incorporated area of the city.
  - (b) The annexation shall be contingent upon the city's ability to provide key urban facilities and services listed in the Metropolitan Plan to the area proposed to be annexed.
- (4) The planning director shall provide a written determination of the need for a property owner to execute an annexation agreement. Any land use applicant or property owner aggrieved by the determination of the planning director may appeal the decision to the hearings official according to the procedures beginning at EC 9.7600 General Overview of Appeal Procedures.
- (5) The planning director may require immediate annexation instead of an annexation agreement.

*(Section 9.4640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02;*

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*amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.4650 Industrial Corridor Annexation Agreement.**

- (1)** Property owner execution of the Annexation and Urban Services Agreement, Exhibit C to the April 25, 1991 Annexation and Urban Services Policy Agreement between the Industrial Corridor Community Organization and the City of Eugene, consenting to annexation to the city of the entire development site will be required for the following:
  - (a) Any land divisions when lots or parcels created will be less than the minimum parcel sizes specified for the lots or parcels prior to the land division.
  - (b) Any zone change or planned unit development approval.
  - (c) Any development permit for a new land use or a reconstruction, conversion, alteration, relocation or expansion of an existing use, if the proposed use will generate, singly or in the aggregate, any additional need for an urban facility or service of a type then supplied to any user by the city.
- (2)** Permits or applications for the following uses are exempt from the requirement to execute an annexation agreement under this section:
  - (a) Sales stands of up to 300 square feet for agricultural products not grown or raised on the premises.
  - (b) One one-family home or 1 manufactured dwelling per lot in conjunction with a farm use or the management, growing, or harvesting of forest products.
  - (c) Home occupations.
- (3)** The Annexation and Urban Services Agreement will be binding upon the property owner's heirs, assigns and successors in interest. A memorandum thereof will be filed by the city in the office of the Lane County Recorder.

*(Section 9.4650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **/WP Waterside Protection Overlay Zone**

**9.4700** **Purpose of /WP Waterside Protection Overlay Zone.** The purpose of the /WP Waterside Protection overlay zone is to protect water quality in designated waterways, riparian areas, and adjacent wetlands by maintaining an undeveloped setback area between these features and adjacent developed areas. Maintenance of this setback area is also intended to protect wildlife habitat and prevent property damage from storms and floods. The /WP overlay zone is intended to maintain or enhance open space areas adjacent to water features. These open space areas are important because they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff; provide habitat for wildlife and, where appropriate, can provide legally obtained access for channel maintenance. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities are proposed, site plan approval based on conformance with specified natural resource special standards (EC 9.2530 Natural Resource Zone Development Standards) is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the Metro Plan and refinement plans that call for protection of riparian vegetation, wetlands, waterways, wildlife habitat, and surface and ground water quality.

*(Section 9.4700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.4710** **Applicability.** The /WP overlay zone applies to all property to which the /WP overlay zone has been applied through the city's rezoning process.
- (1)** The provisions of the /WP overlay zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.
  - (2)** In some cases, the /WP overlay zone may overlap with the NR zone or the /WB overlay zone. In these cases, only one review process is required as follows:
    - (a)** Where the /WP overlay zone and the NR zone overlap, only the provisions of the NR zone are applied.
    - (b)** Where the /WP overlay zone and the /WB overlay zone overlap, only one site plan review process is required. This review will address the provisions of both zoning overlays. The /WB provisions shall be applied to wetlands mapped and designated for protection in local plans and policies. The /WP provisions shall be applied to any other water features on the lot that are mapped and designated for protection in an adopted plan, policy or inventory.
  - (3)** Development within the waterside protection area shall be exempt from the setback provisions of EC 9.4720 if all of the following exists:
    - (a)** The specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers.
    - (b)** The fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the designations on Map 3 of the Plan, or the provisions of EC 6.650 through 6.670.
    - (c)** The applicant provides written documentation from the permitting agency that shows any mitigation requirements specified in the permits have been substantially satisfied.

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(Section 9.4710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4715 WP Waterside Protection Overlay Zone Siting Requirements.** The /WP overlay zone applies to streams, rivers, channels, ponds and other water features and adjacent areas that meet the approval criteria of EC 9.8865 and that are specified for protection in an adopted plan, as described in EC 9.4720.

(Section 9.4715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.4720 Waterside Protection Areas.** /WP areas consist of 3 component areas: the area within the channel banks, the setback area, or any riparian area that extends landward beyond the setback (defined below). Areas developed prior to May 24, 1995, are excluded from /WP areas. For purposes of this section, development means buildings or other substantial structures, including paved or gravel parking areas. For purposes of this section, fences and landscaping do not constitute "development" to warrant exclusion from the /WP overlay zone. Graded and graveled areas are exempt under these provisions only when they were constructed prior to May 24, 1995, and only if they were constructed as an essential component of the development of the site. The 3 components of the /WP area are described and defined as follows:

- (1) The area within the channel limits of a water feature (from top of high bank to top of high bank). For a given stream, river, or channel, the top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of the high bank.
- (2) Buffer setback areas are measured horizontally from the top of the high bank or from the line of ordinary high water. The planning director shall determine whether the buffer is measured from the top of the high bank or from the line of ordinary high water.
  - (a) Where possible, the buffer setback is measured horizontally from the top of the high bank of the water feature, as defined above. Buffer setback distances measured from the top of the high bank are as follows:

Minimum Buffer Setbacks from Top of Bank

<u>Water Feature</u>	<u>Buffer setback</u>
Perennial, within floodway	60 feet
Perennial, outside floodway	40 feet
Intermittent or seasonal	20 feet

- (b) If the top of the high bank is not identifiable, the buffer setbacks are measured horizontally from the line of ordinary high water. In a given stream, pond, or other water body, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually. Identified in the field by physical characteristics that include one or more of the following:
  1. A clear, natural line impressed on the bank.
  2. Changes in the characteristics of soils.

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3. The presence of water-borne litter and debris.
4. Destruction of terrestrial vegetation.

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data is available. Buffer setback distances measured from the line of ordinary high water are as follows:

### Minimum Buffer Setbacks from Ordinary High Water

<u>Water feature</u>	<u>Buffer setback</u>
Perennial, within floodway	75 feet
Perennial, outside floodway	50 feet
Intermittent or seasonal	25 feet

- (3) Contiguous riparian areas which extend landward from the water feature beyond the buffer setback area, as defined in this overlay zone.
  - (a) Riparian habitat, riparian area. Lands adjacent to water features which contain primarily native vegetation including species that typically grow in wet areas (wet area species). For purposes of this land use code “wet area species” are those species listed as “facultative,” “facultative wetland,” or “obligate wetland” species in the most recent U.S. Fish and Wildlife Service “list of plant species that occur in wetlands” for the Eugene area. Where large forested areas adjoin a water feature, only that portion which contains wet area species is considered riparian.
  - (b) The city shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps showing the location and species of vegetation growing in the disputed area) that the city’s maps are in error.

*(Section 9.4720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.4730 WP Waterside Protection Overlay Zone Land Use and Permit Requirements.**

Within the /WP overlay zone there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WP area, and a more restrictive list of uses allowed within the /WP area.

- (1) **Outside the /WP Area.** The uses permitted in this overlay zone are the same as those permitted in the base zone or special area zone.
- (2) **Within the /WP Area.** Except as provided in EC 9.4740 Prohibited Practices, the following uses are permitted within the /WP area:
  - (a) Removal of refuse and any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.
  - (b) Removal of non-native or invasive plant species included on a list approved by the planning director and kept on file at the city.
  - (c) Planting or replanting with native plants included on a list approved by the planning director and kept on file at the city.
  - (d) Construction of channel maintenance access roads or pathways and channel maintenance practices used to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.



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- (e) Removal of vegetation by non-chemical means within a strip not to exceed 15 feet wide where a publicly owned property within the /WP overlay zone abuts private property that is not within a /WP area, and only when deemed necessary by the public works director to protect human health and safety or to prevent a nuisance.
- (3) Uses Permitted Within /WP Areas Subject to Site Review.** Within /WP areas, the following uses are permitted, subject to the provisions in EC 9.4740 Prohibited Practices and, except as provided in subsection (f), site review approval based on compliance with EC 9.2530 Natural Resource Zone Development Standards. Where required, site review approval must be secured prior to the application for a development permit for development within the /WP overlay zone. Uses permitted subject to site review are:
- (a) Realignment and reconfiguration of channels and pond banks. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (3), and (5) through (9).
  - (b) Construction of stormwater quality treatment facilities that do not include adding impervious surfaces and that use biofiltration methods, such as shallow grassy swales, constructed wetlands, or ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  - (c) Construction of public improvements (including but not limited to streets, sanitary and storm sewers, bridges, bikeways, pedestrian paths, maintenance access roads and public utilities) required by this land use code or specified in adopted plans. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (10), and (13) through (19).
  - (d) Maintenance of existing utility easements to maintain access and promote safety, and as required by local policies, state and federal regulations, and intergovernmental agreements. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (3), and (5) through (9). Utility companies shall submit to the city a notice of easement maintenance activities within the /WP area describing the nature and extent of the activities 15 days prior to commencing the activities.
  - (e) Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  - (f) Wetland, stream and riparian enhancement and restoration within the /WP overlay zone shall be exempt from the site review requirements of this subsection (3) if the proposed activity is authorized:
    1. Under a Mitigation Improvement Plan approved by the Oregon Department of State Lands, and if required, the U. S. Army Corps of Engineers;
    2. Under a wetland restoration permit or wetland enhancement permit approved by the Oregon Department of State Lands, and if required, the U. S. Army Corps of Engineers; or
    3. By a “Finding of No Significant Impact” or a “Record of Decision” under the federal National Environmental Policy Act (NEPA).

*(Section 9.4730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and*

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*amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

- 9.4740** **Prohibited Practices.** Practices that are not specifically allowed, and that would adversely affect water quality or damage wildlife habitat, are prohibited within /WP areas. Prohibited practices include the following:
- (1) Storage of chemical herbicides, pesticides or fertilizers or other hazardous or toxic materials.
  - (2) Depositing, dumping, piling or disposal of refuse, or dumping, piling, disposing or composting of yard debris, fill, or other material except for single family residential composting, which must be kept at least 10 feet from the top of the bank of any water feature, and soils or soil amendments used for replanting in accordance with provisions of this section.
  - (3) Construction of new septic drainfields.
  - (4) Channelizing or straightening natural drainageways.
  - (5) For areas not on the city's acknowledged Goal 5 inventory, removal or destruction of rare, threatened or endangered plant species, unless a conservation plan for the affected species is submitted by the applicant and approved by the planning director, in conjunction with the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.
  - (6) Filling, grading, excavating, and the application of chemical herbicides, pesticides and fertilizers are prohibited unless they:
    - (a) Are directly related to a use permitted in the waterside protection area,
    - (b) Address an imminent threat to public health and safety, or
    - (c) Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

*(Section 9.4740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.4750** **Conveyance of Stormwater Maintenance Easement.** Within the /WP area, the city shall have the authority to require conveyance of a maintenance access easement for any natural or human made stormwater facility as a condition of approval for a site review or conditional use permit. Maintenance access easements shall be parallel to the stream or channel and shall be of sufficient width to allow a 20 foot wide maintenance access road along one side of the stream or channel.

*(Section 9.4750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.4760** **Exceptions.** The planning director shall have authority to grant exceptions to the provisions of this overlay zone for uses and development within /WP areas subject to site review approval in accordance with the following provisions:
- (1) **Criteria.** Exceptions shall be granted only if the applicant clearly demonstrates in writing that either of the following exist:
    - (a) The provisions of this overlay zone in conjunction with other city regulations, and circumstances peculiar to the property not self-imposed by the applicant, would prohibit any viable economic use of the property.
    - (b) The /WP area as set forth in EC 9.4720 Waterside Protection Areas, occupies more than 33 percent of the development site area.
  - (2) **Process.** To determine the extent to which an exception is allowed under EC 9.4760(1)(a), the planning director shall consider the following provisions:
    - (a) Where practical, relax other setbacks in order to accommodate buffer

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- setbacks as defined in EC 9.4720 Waterside Protection Areas.
- (b) If no economically viable use is feasible under (2)(a), relax /WP overlay zone requirements applicable to riparian areas as defined in EC 9.4720 Waterside Protection Areas, outside buffer setback areas. In this instance, enhancement of riparian vegetation within the buffer setback area shall be required consistent with applicable provisions from EC 9.2530 Natural Resource Zone Development Standards.
  - (c) If no economically viable use is feasible under (2)(a) or (2)(b), reduce the buffer setback area to the minimum extent necessary to accommodate the development. In this instance, enhancement shall be required within the remaining buffer setback area consistent with applicable provisions from EC 9.2530 Natural Resource Zone Development Standards.
  - (d) If no economically viable use is feasible under (2)(a), (2)(b), or (2)(c), allow alteration of the water feature(s) to the minimum extent necessary to accommodate the development. In this instance, restoration and enhancement of the affected water feature(s) shall be required consistent with applicable provisions from EC 9.2530 Natural Resource Zone Development Standards.

*(Section 9.4760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **/WQ Water Quality Overlay Zone**

**9.4770 /WQ Water Quality Overlay Zone - Purpose.** The purpose of the /WQ Water Quality Overlay Zone is to protect the health and safety of the public in a manner that complies with federal and state water quality requirements. The Overlay Zone is intended to protect and improve the physical integrity and water quality function within and adjacent to otherwise unprotected waterways consisting of waterways identified pursuant to section 303(d) of the federal Clean Water Act, waterways that are tributaries to those waterways, and headwater streams.

*(Section 9.4770 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.4772 /WQ Water Quality Overlay Zone – Applicability.** EC 9.4770 through 9.4790 apply to all property to which the /WQ Water Quality Overlay Zone has been applied through the city's rezoning process or through automatic rezoning upon annexation.

*(Section 9.4772 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.4774 /WQ Water Quality Overlay Zone – Relationship to Other Zones and State and Federal Laws.** When conflicting zoning provisions apply to land within a /WQ Management Area (See EC 9.4778), the /WQ provisions shall control. Consistency with the provisions of EC 9.4780 does not exempt the property owner from state or federal laws or regulations.

*(Section 9.4774 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.4776 /WQ Water Quality Overlay Zone - Siting Requirements.** In addition to the criteria at EC 9.8865, when considering an application to add the /WQ Overlay Zone to a lot, the following criteria apply:

- (1)** The subject lot Includes:
  - (a) A waterway identified pursuant to section 303(d) of the federal Clean Water Act, a waterway that is a tributary to a 303(d) waterway, or that is a headwater stream; or
  - (b) A portion of the /WQ Management Area, as described in EC 9.4778(1), for a waterway described in (a); and
- (2)** The subject segment of waterway (it may be natural or constructed):
  - (a) Is not already protected by the NR zone or the /WR, /WP or /WB overlay zones;
  - (b) Has a discernable streambed and side banks;
  - (c) Carries water at least part of the year;
  - (d) Provides a drainage function for surface runoff from land areas beyond a roadway; and
  - (e) If a ponded area, has an inlet and outlet drainage function.

*(Section 9.4776 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.4778 /WQ Water Quality Overlay Zone – /WQ Management Area.**

- (1)** Except as provided in subsections (2), (3) or (4) the /WQ Management Area is that area depicted on the city's adopted Water Quality Waterways Map.
  - (a) As depicted on the Water Quality Waterways Map, the /WQ Management Area is comprised of both the waterway channel, which for purposes of EC 9.4770 through 9.4790, and 9.8030(25), means the

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- area between the top of high banks on each side of the waterway, and the applicable setback, as described in (b) or (c) below.
- (b) For a waterway identified on the Water Quality Waterways Map as a waterway identified pursuant to section 303(d) of the federal Clean Water Act, or a tributary to such a waterway, the applicable setback is 25 feet from top of high bank (THB). For purposes of EC 9.4770 through 9.4790 and 9.8030(25), THB is the highest point at which the vertical rise of the waterway bank meets the horizontal grade of the adjoining topography.
  - (c) For waterways identified on the Water Quality Waterways Map as headwater streams, the applicable setback is 40 feet from the waterway's centerline.
  - (d) The procedures used for mapping these setbacks on the Water Quality Waterways Map shall be more particularly described in an administrative rule adopted by the city manager in accordance with EC 2.019 City Manager – Administrative and Rulemaking Authority and Procedures.
- (2) For a lot that is 6,000 square feet in area or less with a /WQ Management Area, alone or in combination with a /WR Conservation Area, that constitutes more than 33% of the lot, as part of the city's consideration of an application for a development permit or land use approval, the city shall automatically reduce the applicable setback distance described in (1) above, provided:
- (a) The lot was created pursuant to a planned unit development, subdivision, partition or property line adjustment application described in EC 9.4780(2)(i)2.;
  - (b) Unless precluded by (2)(d) below, the reduction in setback shall result in the /WQ Management Area constituting 33% of the lot area, alone or in combination with a /WR Conservation Area; and
  - (c) The new boundary shall be located:
    - 1. Parallel to the original boundary (closer to the waterway); or
    - 2. Through the application of setback averaging. Setback averaging shall be accomplished by expanding the /WQ Management Area in an undeveloped area of the development site, and reducing it in another area of the development site.
  - (d) In no case shall the setback boundary be located within the waterway channel.
- (3) As part of the city's consideration of an application for a development permit or land use approval, the city shall exclude from the /WQ Management Area:
- (a) Those areas which the applicant has shown to have been developed prior to June 10, 2009. For purposes of this subsection, "developed areas" are those within the physical ground surface footprint of a legally constructed:
    - 1. Structure (including a manufactured dwelling) with a permanent foundation, constructed or sited pursuant to an approved permit;
    - 2. Utility facility (such as a transmission pole, utility transmission vault box, or pump station), telecommunication tower, telecommunication platform, satellite dish, sign or billboard;
    - 3. Permanent deck or patio that is attached to a structure listed in subsection 1. above; or
    - 4. Paved parking area, street, driveway, bike path, or pedestrian path.

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Fences and landscaping do not cause an area to be “developed” to warrant exclusion from the /WQ Management Area. All other uses and structures that were legally established prior to June 10, 2009 but that do not comply with the allowed uses and standards of the /WQ Overlay Zone are subject to EC 9.1200 through EC 9.1240 Legal Nonconforming Situations; and

- (b) Any land that is included in a:
  - 1. /WP Waterside Protection area as described in EC 9.4720;
  - 2. /WB Wetland Buffer area as described in EC 9.4820; or
  - 3. /WR Water Resources Conservation area as described in EC 9.4920.
- (4) Where an existing development under subsection (3)(a)1. or 3. above or an existing developed street or sound wall physically isolates a portion of the /WQ Management Area, as part of the city’s consideration of an application for a development permit or land use approval, the city shall exclude that isolated portion from the /WQ Management Area.

*(Section 9.4778 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.4780** **/WQ Water Quality Overlay Zone - Permitted and Prohibited Uses.** Uses are permitted or prohibited within the /WQ Water Quality Overlay Zone based on whether they occur outside or within the /WQ Management Area as follows:

- (1) **Uses Permitted Outside /WQ Management Area.**
  - (a) The uses permitted on portions of a lot located outside of the /WQ Management Area are the same as those otherwise permitted on that lot without consideration of the /WQ Water Quality Overlay Zone; and
  - (b) Prior to issuance of a development permit, the city shall verify that the /WQ Management Area setback has been accurately demarcated by a prominent and continuous protective feature indicating a “No Disturbance Area.” No site preparation, including but not limited to vegetation removal, may take place within 50 feet of the /WQ Management Area, until such verification has been provided.
- (2) **Uses Permitted Within /WQ Management Areas.** Subject to any applicable development permits, the following uses are the only uses permitted outright within the /WQ Management Area:
  - (a) Vegetation Planting and Management.
    - 1. Plantings of plants and vegetation provided they are not Invasive, Non-Native Plant species as defined in EC 9.0500 Definitions; and
    - 2. Mowing, replacing and pruning vegetation within lawn and garden landscaped areas existing as of June 10, 2009.

The use of native vegetation in the /WQ Management Area is preferred, in order to reduce the need to apply water, herbicides, pesticides and fertilizers;
  - (b) Removal of Plants and Vegetation.
    - 1. Other than as permitted pursuant to EC 9.4780(2)(a)2., or approved pursuant to EC 9.4780(3) or EC 9.8030(25), removal of plants and vegetation shall be limited to the following:
      - a. Removal of Invasive, Non-Native plant species;
      - b. A public entity’s removal of plants or vegetation from publicly owned property by mechanical or manual means within a strip not to exceed 15 feet in width where that property abuts

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- private property that is not within a /WQ Management Area;
    - c. Removal of plants or vegetation that the city fire marshal has declared poses a potential fire hazard to existing structures. Written documentation of the fire marshal's declaration, including a description of the location of the structure and the location of the plants or vegetation to be removed, shall be provided to the planning director prior to the removal. The removal shall be limited to the extent specified by the fire marshal's declaration; and
    - d. Removal of hazardous tree(s), or removal of trees that create an unsafe condition due to proximity to existing structures, proposed construction, or interference with utility services or pedestrian or vehicular safety, so long as prior to removal the property owner is able to produce upon request a written evaluation of any tree proposed for removal prepared by a certified arborist declaring the tree(s) to be hazardous or creating an unsafe condition and recommending removal;
  - 2. Areas of bare soil existing as a result of plant or vegetation removal shall be:
    - a. Protected or covered consistent with EC 6.625 through EC 6.645;
    - b. Replanted as soon as practicable, but no later than March 15 of the calendar year following disturbance; and
    - c. If not replanted within 15 days of disturbance, areas of bare soil shall be mulched and seeded with straw mulch and native seed for temporary stabilization within 15 days of disturbance.
- (c) Maintenance, Repair and Reconstruction Activities.
  - 1. Removal of refuse;
  - 2. Removal of fill in response to a written determination from a regulating agency that the fill is in violation of local, state or federal regulations;
  - 3. Maintenance, repair and reconstruction of streets, bridges, driveways, parking areas and pathways, including, but not limited to, sweeping, striping, sealing, and resurfacing, provided such activity is not a part of a broader project for which additional incursion into the /WQ Management Area is proposed;
  - 4. Channel maintenance practices, including mowing and sediment removal necessary to maintain stormwater conveyance and flood control capacity or to protect water quality, as required by local policies, local, state, and federal regulations, and intergovernmental agreements;
  - 5. Maintenance, repair, and reconstruction of utility facilities such as wastewater and stormwater pipes, culverts, electrical transmission lines, and television and cable systems, provided such activity is not a part of a broader project for which additional incursion into the /WQ Management Area is proposed; and
  - 6. Maintenance, repair, and reconstruction of a fence that was legally established prior to June 10, 2009, provided that for any

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reconstruction it occurs in the same location and to the same dimensions as the pre-existing fence;

(d) Emergency Activities.

1. Emergency repair of utility facilities (such as wastewater and stormwater pipes, electrical transmission lines, and television and cable systems) and transportation facilities (such as roadways, bridges, bikeways and pathways), failing slopes or eroding channel banks or channel beds; provided the city engineer has declared in writing that:
  - a. Immediate repair is necessary to avert an imminent threat to water quality, the environment, public health, public safety, or the structural integrity of the utility facilities, transportation facilities, stream channel banks or stream channel beds, or structural integrity of adjacent structure(s); and
  - b. The method of repair will minimize impacts to water quality and any emergency repairs resulting in bare soil conditions will comply with EC 9.4780(2)(b)2.;
2. Emergency response to spills of materials that threaten water quality;
3. Fire suppression and medical emergency response operations;

(e) Construction and Maintenance of Vegetated Stormwater Management Facilities.

Swales, filter strips, constructed wetlands, and other vegetated stormwater management facilities for stormwater quality or flow control are permitted if otherwise approved through the provisions of EC 9.6791 through 9.6797 in accordance with the Stormwater Management Manual adopted by administrative order of the city manager;

(f) Public Improvement Projects. For purposes of this subsection (f), a public improvement project is defined as any improvement which upon construction and acceptance by a public entity shall become the entity's responsibility to maintain, repair or replace. Public improvement includes, but is not limited to, local improvements or other structures or facilities constructed upon or under public or private property. Provided the city has on file the certification described in (f)4. below, the following public improvement projects, are permitted:

1. Construction of a public water quality improvement project that is identified in an approved city plan (including but not limited to the repair or rehabilitation of stream channels and banks, installation of aeration features, construction of facilities for removing stormwater pollutants, plantings for improving pollutant filtration, channel shading, or erosion control);
2. Construction or improvement of parks, recreation facilities, open space, and habitat enhancements (including but not limited to footpaths, bike paths, pedestrian and bike bridges, site furniture, boardwalks, kiosks, signs, planting of native species, hydrology and landscape restoration, and barriers for species containment);
3. Construction of public infrastructure including but not limited to streets, bridges, sidewalks, stormwater facilities, and other public utilities provided:
  - a. Construction will take place within an existing public way, or at the location shown in a plan adopted by the city or



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- another public entity prior to June 10, 2009;
    - b. The public facility is a water dependent structure or use such as a boat ramp, dock, bridge or an accessway to such a structure or use, which by its nature cannot be located anywhere except within the /WQ Management Area; or
    - c. The facility is intended to provide safe public access to the waterway for the purposes of public education or to provide protection of the waterway by managing access;
- 4. For any public improvement project authorized by (2)(f), the city shall have on file for city projects a certification from the city engineer, and for other public entities a certification from a licensed civil engineer with authority to represent the public entity, that all of the following were addressed in the project's design:
  - a. Pervious surface materials have been considered for all pathways, bikeways, driveways and parking areas where well draining soils are present as defined by the requirements of the Stormwater Management Manual adopted by administrative rule of the city manager as authorized by EC 9.6790 Stormwater Management Manual;
  - b. Applicable stormwater development standards contained in EC 9.6791 through 9.6795 and erosion control requirements contained in EC 9.6792 and EC 6.625 through EC 6.645 are met;
  - c. For areas located outside the footprint of construction-related impervious surfaces:
    - (1) Soil permeability rates and sheet-flow drainage patterns are restored to pre-construction conditions or improved from preconstruction conditions by increasing soil permeability or enhancing sheet flow patterns; and
    - (2) Plants and vegetation are planted to the following specifications:
      - (a) 80% of the area is covered;
      - (b) Species planted are not Invasive, Non-Native species as defined in EC 9.0500;
      - (c) Species consist of a balance of trees, shrubs and forbs;
  - d. Bio-engineering methods are used to stabilize stream banks and repair areas of erosion, including but not limited to bank failure, bank sloughing, and channel incision, or the city engineer has provided written approval of alternative methods;
  - e. Based on the city's Water Quality Function Rating System, (see EC 9.4782), the project will result in a water quality function rating equal to or greater than previously existed; and
  - f. For a public improvement project allowed pursuant to (f)2. or (f)3., impervious surfaces are minimized by constructing the facility or infrastructure with as little impervious surface as allowed by city standards and the Americans With Disabilities Act;

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- (g) Authorized Enhancement and Restoration. Wetland, stream and riparian enhancement and restoration if the proposed activity is authorized:
1. Under a Mitigation Improvement Plan approved by the Oregon Department of State Lands (DSL) and, if required, by the U. S. Army Corps of Engineers (ACOE);
  2. Under a wetland restoration permit or wetland enhancement permit approved by the DSL, and if required by the ACOE; or
  3. By a "Finding of No Significant Impact" or a "Record of Decision" under the federal National Environmental Policy Act (NEPA) that identifies the restoration or enhancement activity as the final selected alternative;
- (h) Other Activities.
1. Construction and maintenance of paths with no impervious surface for pedestrian or bicycle use not to exceed 5 feet in width;
  2. Construction and maintenance of facilities for monitoring water quality and gauging stream flows;
  3. Construction and maintenance of publicly accessible recreational/environmental interpretative signs with a ground disturbance not to exceed 12 square feet in area;
  4. Construction or replacement of fences located at least 20 feet from THB, provided that they are not constructed with continuous footings or other obstructions to surface drainage;
  5. Construction and maintenance of publicly accessible educational/interpretive facilities including concrete pads for benches with a ground disturbance not to exceed 120 square feet in area;
  6. Construction and maintenance of a slatted deck of no more than 120 square feet in area, with no impervious surface, and located at least 20 feet from THB;
  7. Construction and maintenance of accessory structures that do not require a building permit such as a garden shed, playhouse or greenhouse of no more than a total of 120 square feet, located at least 20 feet from THB;
  8. Installation and maintenance of erosion control measures that have been approved pursuant to EC 6.625 through 6.645;
  9. Single family residential composting located outside the channel, and at least 10 feet from THB;
  10. City placement and maintenance of fences or woody debris for purposes of habitat or species protection;
  11. Construction of new underground utilities for providing service to an existing lot of record where there is no other alternative location; or
  12. Maintenance, repair, replacement, upgrading and expansion of telecommunications facilities and facilities used for the transmission of television and radio signals, including towers, satellite dishes and related support structures such as foundations, footings, platforms, and wiring, that were legally established prior to June 10, 2009, provided that for any expansion, the applicant has submitted a certification signed by a professional referenced in EC 9.4782(2) that, based on the city's Water Quality Function Rating System, the expansion will result in a water quality function

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- rating equal to or greater than previously existed; and
- (i) Prior Approved Development. Uses, structures, streets and utilities that are explicitly authorized, or that are necessary to carry out the uses or development explicitly authorized, by a city approval of:
    - 1. An application for a development permit that was submitted prior to June 10, 2009; or
    - 2. An application for a land use approval that was submitted prior to June 10, 2009 and was deemed by the city to be complete when first submitted or made complete by the submittal of all requested additional information within 180 days of the application's submittal date.
- (3) Uses Subject to Standards Review Within the /WQ Management Area.** Unless prohibited by subsection (4), or permitted outright in subsection (2), the following uses are permitted, subject to the standards review process beginning with EC 9.8460. Consistency with the specific standards provided or referenced for each use below shall be used as the criteria for approval. These uses may require additional development permits pursuant to other provisions of this code.
- (a) Construction of private water quality improvements, including stabilization or reconfiguration of channels and pond banks to improve stability and installation of aeration features. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (3) and (7) through (11);
  - (b) Realignment or reconfiguration of channels and pond banks to accommodate a proposed development:
    - 1. Where, due to the physical constraints of the development area, including, but not limited to, slope/hillsides, natural hazards, natural resources, lot configuration or existing right of way, there is no other feasible option for locating the proposed development outside the /WQ Management Area;
    - 2. Provided the realignment will not cause the /WQ Management Area to:
      - a. Occupy any portion of an adjacent lot not currently having the /WQ overlay zone, unless the standards review application is accompanied by an owner-authorized rezoning application to apply the /WQ overlay zone to the newly affected lot; or
      - b. Increase an existing /WQ Management Area on an adjacent lot, unless the standards review application is accompanied by the written consent of the affected lot owner(s);
    - 3. Provided the applicant has submitted a certification signed by a professional referenced in EC 9.4782(2) that, based on the city's Water Quality Function Rating System, the realignment will result in a water quality function rating equal to or greater than previously existed; and
    - 4. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (3) and (7) through (11);
    - 5. If a realignment under 2. above is approved, necessitating a correction to the Water Quality Waterways Map, the planning director shall update that Map to reflect the correction. If the

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correction results in the complete removal or relocation of the /WQ Management Area from a lot, or a determination that the /WQ Overlay Zone should be removed or relocated from a lot, the planning director shall update the Eugene Overlay Zone Map to reflect the determination;

- (c) Construction of public improvements not already permitted under subsection (2) above (including but not limited to streets, bridges, boardwalks, paths, flood control structures, and public utilities):
  - 1. Where, due to the physical constraints of the development area, including, but not limited to, slope/hillsides, natural hazards, natural resources, lot configuration or existing right of way, there is no feasible option for locating the proposed improvements outside the /WQ Management Area;
  - 2. Provided the applicant has submitted a certification signed by a professional referenced in EC 9.4782(2) that, based on the city's Water Quality Function Rating System, the construction will result in a water quality function rating equal to or greater than previously existed; and
  - 3. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (11);
- (d) Construction of a private stream crossing with a culvert or bridge for an access road or pedestrian use:
  - 1. Where, due to the physical constraints of the development area, including, but not limited to, slope/hillsides, natural hazards, natural resources or lot configuration, no point of access to an adjacent street or road is available within the applicant's real property ownership that is outside the /WQ Management Area;
  - 2. Where the number of stream crossings is the minimum necessary for the approved use; and
  - 3. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (3), (5), (6), (8), (10) and (11);
- (e) Construction of a private street and related infrastructure including utilities not already permitted under subsection (2) above:
  - 1. Where, due to the physical constraints of the development area, including, but not limited to, slope/hillsides, natural hazards, natural resources or lot configuration, or access location restrictions by the city, there is no feasible option for locating the street outside of the /WQ Management Area;
  - 2. Provided the applicant has submitted a certification signed by a professional referenced in EC 9.4782(2) that, based on the city's Water Quality Function Rating System, the construction will result in a water quality function rating equal to or greater than previously existed; and
  - 3. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (3), (5), (6), (10) and (11);
- (f) Construction of new underground utility lines not already permitted under subsection (2) above:
  - 1. Where, due to the physical constraints of the development area, including, but not limited to, slope/hillsides, natural hazards, natural resources, lot configuration or existing right of way, no

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- reasonable alternative route exists outside the /WQ Management Area to provide service to an unserved area or to connect to an existing line; and
2. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (4) and (10) and (11);
- (g) Construction of water dependent structures and uses not already permitted under subsection (2) above, and access ways to those structures and uses, which, by their nature, cannot be located anywhere except within the /WQ Management Area, such as boat ramps or docks. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (3), (5), (10), and (11); and
- (h) Non-emergency repair or stabilization of a failing slope or eroding channel bank that is not already permitted under subsection (2) above:
1. Subject to EC 9.4790 /WQ Water Quality Overlay Zone Development Standards (1) through (3), (9) through (11); and
  2. Provided the applicant submits to the planning director a report from a registered engineer or an Oregon licensed engineering geologist that, based on the city's Water Quality Function Rating System, the repair or stabilization will result in a water quality function rating equal to or greater than previously existed.
- (4) Uses Prohibited Within the /WQ Management Area.** Uses that are not specifically allowed under subsections (2) or (3) are prohibited within the /WQ Management Area unless an adjustment is granted pursuant to EC 9.8030(25)(c)1. Such prohibited uses include, but are not limited to the piping of a waterway (other than culverts explicitly permitted), storage of wood, building materials, vehicles, machinery, or other items or materials, and dumping, piling, or disposal of refuse, fill, yard debris, pet waste, or other material.

*(Section 9.4780 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

### **9.4782 Water Quality Function Rating System.**

- (1) When this code requires the use of the city's Water Quality Function Rating System, the applicant shall comply with the requirements contained in the administrative order adopted by the city manager pursuant to EC 2.019 City Manager – Administrative and Rulemaking Authority and Procedures. As more specifically described in that order, the city's Water Quality Function Rating System sets out a process for evaluating a specific /WQ Management Area's water quality function based on the presence or frequency of enumerated characteristics.
- (2) Unless waived by the planning director, that portion of the application utilizing the city's Water Quality Function Rating System shall be prepared by one or more of the following professionals:
- (a) Oregon licensed architect;
  - (b) Oregon licensed civil or geotechnical engineer;
  - (c) Oregon licensed landscape architect;
  - (d) Oregon licensed geologist;
  - (e) A professionally trained botanist, biologist, ecologist or geomorphologist; or

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- (f) A creek restoration specialist with a bachelor's degree in the subject field and at least 5 years of applied experience in botany, biology, ecology, geomorphology or a closely related field.

*(Section 9.4782 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

### **9.4784 /WQ Water Quality Overlay Zone – Adjustments.**

- (1) Adjustments to the provisions of EC 9.4778 /WQ Water Quality Overlay Zone – /WQ Management Area may be made subject to compliance with the criteria for adjustment in EC 9.8030(25)(a) or (b).
- (2) Adjustments to the provisions of EC 9.4780 /WQ Water Quality Overlay Zone – Permitted and Prohibited Uses or 9.4790 /WQ Water Quality Overlay Zone – Development Standards may be made subject to compliance with the criteria for adjustment in EC 9.8030(25)(c).

*(Section 9.4784 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

### **9.4786 /WQ Water Quality Overlay Zone – Map Correction/Removal of Overlay Zone.**

Consistent with the application requirements at EC 9.7010, proposals to correct the Water Quality Waterways Map shall be subject to the procedures and criteria in this section. When considering an application to remove the /WQ Water Quality Overlay Zone from a specific lot, the provisions of this section apply instead of the zone change procedures and criteria described at EC 9.8850 through 9.8865.

- (1) **Application Requirements.** Except as provided in EC 9.8005(2), the application shall be processed under the Type II application procedure (EC 9.7200 – 9.7230).
  - (a) If an error on the Water Quality Waterways Map is alleged, the application shall:
    - 1. Identify the waterway or /WQ Management Area alleged to have been incorrectly mapped;
    - 2. Identify the tax lots and a description of any right-of-way alleged to have been incorrectly included in the /WQ Management Area; and
    - 3. Include a description of the alleged error, the basis of the error, including evidence such as a land survey, ortho-photo and topographic information, and the proposed correction;
  - (b) If the application proposes to remove the /WQ Water Quality Overlay Zone from a lot or parcel due to a partition, subdivision or property line adjustment that results in a new or reconfigured lot onto which the /WQ Management Area does not extend, the application shall:
    - 1. Include a copy of the proposed or recorded plat for such partition, subdivision or, for a property line adjustment, a copy of the recorded deed and approved map; and
    - 2. Identify the waterway or /WQ Management Area that is located on the parent lot.
- (2) **Approval Criteria.** Approval shall be based on consideration of the procedures for mapping described in EC 9.4778(1), the administrative rule referenced therein, and compliance with the following criteria:
  - (a) For an allegation of error on the Water Quality Waterways Map, the evidence submitted demonstrates that:
    - 1. The waterway does not have a discernable streambed and side banks;
    - 2. The waterway does not carry water at least part of the year;

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3. The waterway only provides a drainage function for surface runoff from a roadway;
  4. The waterway is a ponded area with no inlet or outlet drainage feature;
  5. The waterway location or alignment is incorrect; or
  6. The /WQ Management Area as depicted on the map extends beyond the applicable 25 foot or 40 foot setback as described in EC 9.4778(1);
- (b) For removal of the /WQ Overlay Zone that is proposed due to a partition, subdivision or property line adjustment:
1. The newly created lot does not include any portion of a /WQ Management Area; and
  2. In cases where the lot has not yet been recorded, removal of the /WQ Overlay Zone shall be conditioned upon recordation.
- (3) Update of the Water Quality Waterways Map and the Eugene Overlay Zone Map. If the Type II process described above results in the approval of a correction to the Water Quality Waterways Map, the planning director shall update that Map to reflect the correction. If the correction results in the complete removal or relocation of the /WQ Management Area from a lot under (2)(a) or a determination that the /WQ Overlay Zone should be removed or relocated from a lot under (2)(b), the planning director shall update the Eugene Overlay Zone Map to reflect the determination.

*(Section 9.4786 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009; administratively corrected on November 22, 2010.)*

**9.4790** **/WQ Water Quality Overlay Zone - Development Standards.** The following standards apply only as specifically required by EC 9.4780(3):

- (1) **Vegetation Removal.** Vegetation removal in order to accommodate a use listed in EC 9.4780(3) shall comply with the following standards:
- (a) Vegetation removal in excess of that allowed by EC 9.4780(2)(b) shall be the minimum necessary to accommodate the use; and
  - (b) Any clearing of vegetation that is not within the footprint of uses approved in accordance with EC 9.4780(3), or uses approved through an adjustment approved under EC 9.8030(25), must be followed by replanting in accordance with the requirements of subsection (2) below.
- (2) **Planting and Replanting.** Planting or replanting of areas that are cleared or graded in order to accommodate a use listed in EC 9.4780(3) and that are located outside of the use's footprint shall comply with the following standards:
- (a) Plantings of plants and vegetation provided they are not Invasive, Non-Native Plant species as defined in EC 9.0500 Definitions, including some tree or large shrub species and planted in sufficient quantity and location to provide bank stability and to create substantial shading of the channel during times of peak solar input;
  - (b) Except as required in (d) below, the plant species and plant spacing to be utilized shall further the objective of increasing, to the greatest extent practicable, the capacity of the /WQ Management Area to filter pollutants from runoff that flows across the /WQ Management Area;
  - (c) Plant species selected for all plantings shall be appropriate to the site given its topography, hydrology, and soil type;

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- (d) Areas of bare soil existing as a result of vegetation removal shall be protected or covered consistent with EC 6.625 through EC 6.645, and replanted or mulched and seeded with straw mulch and native seed within 15 days of disturbance;
  - (e) Disturbed areas shall be re-planted consistent with this section as soon as practicable, but no later than March 15 of the calendar year following disturbance; and
  - (f) A 70% survival rate of plantings shall be guaranteed for a 3-year period in the form of a financial deposit, bond or other means sufficient to cover the cost to remove dead and dying species, and to purchase and replant with living species. City staff shall be granted access to the planted area by the property owner as a condition of approval for this use in order to monitor the establishment of the plantings during this 3-year period.
- (3) Construction Practices.** Construction to accommodate a use listed in EC 9.4780(3) shall comply with the following standards:
- (a) Construction, maintenance, repair, reconstruction and restoration activities shall be planned and timed so as to minimize adverse impacts to water quality;
  - (b) For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, or damaging or compacting soil. The following standards shall apply to use of heavy machinery within the /WQ Management Area:
    1. The use of heavy machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where its use is necessary;
    2. The use of heavy machinery within the channel shall be limited to the period between June 15 and September 30 except as allowed by permit from the Army Corps of Engineers or Oregon Department of State Lands; and
    3. On sites where soils are severely compacted through the use of heavy machinery, the soils shall be tilled or re-tilled to a depth of 6 inches.Construction may also be subject to construction site management practices such as the erosion prevention provisions of EC chapter 6, which apply to, among other things, clearing, grading, grubbing, excavation and filling.
- (4) Utility Alignment.** Routing of new utility lines to accommodate a use listed in EC 9.4780(3) shall be designed so as to minimize adverse impacts to water quality within the /WQ Management Area to the greatest extent practicable.
- (5) Paved Surfaces.** Construction of new paved surfaces to accommodate a use listed in EC 9.4780(3) shall comply with the following standards:
- (a) Impervious surfaces shall be minimized by constructing the facility or infrastructure with as little impervious surface as allowed by city standards and the Americans With Disabilities Act;
  - (b) Impervious surfaces shall be located as far from the waterway as practicable; and
  - (c) For paved foot paths, lightly used access roads, or low volume parking areas where soils and flat topography will facilitate infiltration of runoff,



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pervious pavement systems, or other infiltration devices approved by the planning director or city engineer shall be used in lieu of standard impervious paving surfaces to increase infiltration of stormwater where practicable. For the purposes of this subsection, gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their rational method runoff coefficient to exceed 0.8, determined in accordance with the city's adopted Public Improvement Design Standards Manual.

- (6) **Stream and Channel Crossings.** Bridges, culverts or other structures that cross waterways permitted under EC 9.4780(3) shall comply with the following standards:
- (a) Crossings shall be designed and constructed in a manner that results in the least physical impact to the waterway, utilizing a minimum width, appropriate invert elevations and slope, and aligned at right angles to the waterway whenever practicable;
  - (b) Culverts and bridges shall not increase or decrease water depth, velocity or flow rate upstream or downstream from the culvert, except as necessary to address conveyance needs identified in the city's adopted Stormwater Management Manual or as otherwise allowed or required by this code;
  - (c) When a culvert 72 inches in diameter or greater would be required, bridges shall be utilized, or box or arch culverts with bottoms filled to a depth of at least 12 inches with stone; and
  - (d) Stream banks and stream beds must be stabilized at crossings, using vegetative bio-engineering methods to the maximum extent practicable.
- (7) **Hydrology.** Existing hydrology shall be maintained unless modification of hydrology is an element of an approved use and/or intended to improve water quality to minimize flow concentration, downcutting, and erosion.
- (8) **Stormwater Discharges.**
- (a) Improvements shall not increase or decrease stormwater conveyance capacity either upstream or downstream of improvements except as necessary to address conveyance needs identified in the city's adopted Stormwater Management Manual, or as otherwise allowed or required by this code;
  - (b) Improvements shall meet the stormwater development standards of EC 9.6790 through EC 9.6797; and
  - (c) Flow spreaders and energy dissipaters shall be utilized to prevent erosive impacts to protected areas from stormwater discharges where practicable to avoid concentrating stormwater discharges.
- (9) **Repair and Reconstruction of Stream Banks and Channels.** Bio-engineering methods are to be used to repair stream bank failures and channel erosion problems and to reconstruct stream banks and channels except where those methods by themselves would be ineffective. Where bio-engineering alone is inadequate, stones and boulders may be used to augment bank repair efforts, dissipate energy or control flows.
- (10) **Removal of Materials Harmful to Water Quality.** All refuse, toxics, fill, unauthorized auto bodies, or similar materials located within the /WQ Management Area that are harmful to water quality or that limit the filtration of pollutants from runoff that flows across the /WQ Management Area shall be removed.

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- (11) Protect Management Area During Construction.** Prior to engaging in the use authorized under EC 9.4780(3), the applicant shall demarcate the /WQ Management Area setback area by a prominent and continuous protective feature indicating a “No Disturbance Area.” No site preparation, including but not limited to vegetation removal, may take place within 50 feet of the /WQ Management Area, until the city has verified the required demarcation.

*(Section 9.4790 added by Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009.)*

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## **WB Wetland Buffer Overlay Zone**

### **9.4800 Purpose of WB Wetland Buffer Overlay Zone.**

The purpose of the WB overlay zone is to maintain or improve water quality within protected wetland sites identified in the West Eugene Wetlands Plan by maintaining an undeveloped setback area between the wetland and developed areas. Secondary benefits of buffers and setbacks include creating open space between the resource and adjacent uses, helping to maintain or improve wildlife habitat values and wetland hydrology, protecting the aesthetic value of the site and minimizing property damage from floods. The WB overlay zone is also intended to maintain or enhance open space areas adjacent to wetlands identified for protection in the West Eugene Wetlands Plan. These open space areas are important because they typically contain native vegetation; convey, store, or improve the quality of urban stormwater runoff; and provide habitat for wildlife. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this overlay zone. Where conflicting uses or activities must occur, either conditional use permit or site review approval based upon conformance specified in EC 9.2530 Natural Resource Zone Development Standards is required to minimize adverse impacts. The provisions of this overlay zone are intended to implement policies in the Metro Plan that call for protection of wetlands, wildlife habitat, and surface and ground water quality. The provisions of this overlay zone are also intended to address state and federal laws and policies that regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws.

*(Section 9.4800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.4810 Applicability.** The WB overlay zone applies to all property where WB is indicated on the Eugene overlay zone map. The WB standards apply to all development as follows:

- (1) Specifically, this encompasses lots or parcels any part of which contains or is within a WB area as described in this section. In some instances buffers will be required for new development even though existing adjacent developments have no buffer.
- (2) The provisions of the WB overlay zone do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.
- (3) In some cases, the WB overlay zone may overlap with the NR natural resources zone or the WP overlay zone. In those cases, only one review process is required as follows:
  - (a) Where the WB overlay zone and the NR zone overlap, only the provisions of the NR zone are applied.
  - (b) Where the WB overlay zone and the WP overlay zone are applied to the same tax lot, only one site review process is required. This review will address the provisions of both overlay zones. The WB provisions will be applied to wetlands identified for protection in local plans and policies. The WP provisions will be applied to any other water feature on the lot that is mapped and designated for protection in an adopted

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- plan, policy or inventory.
- (4) Development within the /WB area shall be exempt from the setback provisions of EC 9.4820 if all of the following exist:
- (a) The specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers,
  - (b) The fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the designations on Map 3 of the Plan, and
  - (c) The applicant provides documentation from the permitting agency that shows any mitigation requirements specified in the permits have been substantially satisfied.

*(Section 9.4810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4815** **WB Wetland Buffer Overlay Zone Siting Requirements.** The /WB overlay zone applies to property adjacent to wetlands identified for protection in the West Eugene Wetlands Plan that meet the approval criteria of EC 9.8865.

*(Section 9.4815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4820** **Wetland Buffer Areas.** /WB areas shall consist of the area between the jurisdictional wetland boundary accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers and the /WB setback line specified in this section. Standard /WB setback distances are determined by the value category of the adjacent wetland, and whether the buffer setback area is enhanced. Wetland value categories are defined according to the criteria contained in the West Eugene Wetlands Plan. Areas developed prior to May 24, 1995 are excluded from /WB areas. For purposes of this section, development means buildings or other substantial structures, including paved or gravel parking areas. For purposes of this section, fences and landscaping do not constitute "development" to warrant exclusion from the /WB overlay zone. Graded and graveled areas are exempt under these provisions only when they were constructed prior to May 24, 1995, and only if they were constructed as an essential component of the development of the site. /WB areas are based on the following:

- (1) **Wetland Value Categories.** Three wetland value categories shall be used for applying setbacks, buffer requirements and other protection measures applied to wetlands designated for protection in the West Eugene Wetlands Plan. The 3 categories are: high value wetlands, moderate value wetlands and low value wetlands. A list of protected wetland sites indicating the wetland value category of each is included in the West Eugene Wetlands Plan.
- (2) **Standard /WB Setback Distances.** Standard /WB setback distances are measured horizontally from jurisdictional wetland boundaries accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers. /WB setbacks are of two types: Type I, in which no enhancements are required within the setback area, and Type II, in which vegetative and stormwater quality enhancements are required. Property owners shall have the choice of whether the Type I or Type II buffer setback is applied to their property, unless a Type I buffer setback would preclude any economically viable use of a parcel. In those cases, a Type II buffer setback would be applied. Standard /WB setback distances are as follows:
  - (a) High value wetlands shall have a Type I setback of 100 feet with no site enhancements; or a Type II setback of 50 feet meeting vegetative,

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- stormwater, and other enhancement standards as specified in EC 9.2530 Natural Resource Zone Development Standards (1) through (4).
- (b) Moderate value wetlands shall have a Type I setback of 50 feet with no site enhancements; or a Type II setback of 25 feet meeting vegetative, stormwater, and other enhancement standards as specified in EC 9.2530 Natural Resource Zone Development Standards (1) through (4).
  - (c) Lower value wetlands and disturbed agricultural wetlands designated for enhancement or mitigation in the West Eugene Wetlands Plan shall not have a buffer setback outside the wetland boundary.
- (3) Buffer Reduction for Low Intensity Uses.** A 10 percent reduction from the standard buffer setback distances shall be allowed when the adjoining use is one of the following: low density residential, public parks and open space, or agriculture.

*(Section 9.4820, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4830 WB Wetland Buffer Overlay Zone Land Use and Permit Requirements.** Within the /WB overlay zone, there are 2 categories of uses: those allowed by the base zone or special area zone outside of the /WB area, and a more restrictive list of uses allowed within the /WB area.

- (1) Outside /WB Areas.** The uses permitted in this overlay zone are the same as those permitted in the base zone or special area zone.
- (2) Within /WB Areas:**
  - (a) Uses Permitted Outright. The following uses are permitted within /WB areas, subject to the provisions in EC 9.4840 Prohibited Practices:
    1. Removal of refuse and any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.
    2. Removal of non-native or invasive plant species included on a list approved by the planning director and kept on file at the city.
    3. Replanting with native plant species included on a list approved by the planning director and kept on file at the city.
    4. Channel maintenance to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.
    5. Maintenance of existing utility easements to maintain access and promote safety, as required by local policies, state and federal regulations, and intergovernmental agreements.
  - (b) Uses Permitted Subject to Site Review. The uses listed in this subsection are permitted within areas, subject to the provisions in EC 9.4840 Prohibited Practices, and, except as provided in subparagraph 7., site review approval based on compliance with the EC 9.2530 Natural Resource Zone Development Standards listed with each use. Where required, site review approval shall be secured prior to submission of an application for a development permit for development within the /WB overlay zone. Uses permitted within /WB areas subject to site review are:
    1. Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including:

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- a. Construction of stormwater quality treatment facilities that do not include adding impervious surfaces, and that use biofiltration methods, such as shallow grassy swales, constructed wetlands, or ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  - b. Impervious surfaces or topographic changes. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  2. Construction of trails and pathways, boardwalks, viewing platforms, interpretive information kiosks and trail signs. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (13) and (15) through (18).
  3. Restoration and enhancement of natural functions and values that involve displacement, excavation or relocation of more than 50 cubic yards of earth and carries out the objectives of this overlay zone, including realignment and reconfiguration of channels and pond banks, but not including deliberate creation of new wetlands or restoration of former wetlands. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  4. Construction of stormwater treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (9).
  5. Construction of access roads for maintenance of channels, wetlands and other natural resource areas. Subject to EC 9.2530 Natural Resource Zone Development Standards (2) through (6), (8), (9) and (16).
  6. Bikeways and other paved pathways. Subject to EC 9.2530 Natural Resource Zone Development Standards (2), (5), (6), (8), (9), and (15) through (17).
  7. Wetland, stream and riparian enhancement and restoration within the /WB overlay zone shall be exempt from the site review requirements of this subsection (2)(b) if the proposed activity is authorized:
    - a. Under a Mitigation Improvement Plan approved by the Oregon Department of State Lands, and if required, the U. S. Army Corps of Engineers;
    - b. Under a wetland restoration permit or wetland enhancement permit approved by the Oregon Department of State Lands, and if required, the U. S. Army Corps of Engineers; or
    - c. By a "Finding of No Significant Impact" or a "Record of Decision" under the federal National Environmental Policy Act (NEPA).
- (c) Uses Permitted Conditionally. The following uses are permitted conditionally in the /WB overlay zone:
1. Nature interpretive centers, when specified in or consistent with adopted plans or policies.
  2. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and

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natural areas.

Conditional use permit approval shall be based upon conformance with EC 9.2530 Natural Resource Zone Development Standards (2) through (19) in addition to the conditional use criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria - General.

- (d) Review process. For areas on the city's acknowledged Goal 5 inventory, all development proposed within the wetland buffer sub-district shall be reviewed in accordance with Type II procedures except when the applicant can clearly show that proposed development will occur completely outside of the largest applicable wetland buffer area. This site plan approval shall be based upon conformance with the Natural Resource Zone Development Standards at EC 9.2530.

*(Section 9.4830, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.4840** **Prohibited Practices**. Practices that are not specifically allowed under this section and that would adversely affect water quality or damage wildlife habitat, are prohibited within /WB areas. Prohibited practices include, but are not limited to, the following:

- (1) Storage of chemical herbicides, pesticides, fertilizers or other hazardous or toxic materials.
- (2) Depositing or dumping any material imported from off-site, except for soils or soil amendments used for replanting in accordance with provisions of this section.
- (3) Construction of new septic drainfields.
- (4) Channelizing or straightening natural drainageways.
- (5) Removal or destruction of rare, threatened or endangered plant species, unless a conservation plan for the affected species is submitted by the applicant and approved by the planning director, in conjunction with the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.
- (6) Filling, grading, excavating, depositing soils imported from off-site, and application of chemical herbicides, pesticides and fertilizers are prohibited unless they meet one of more of the following:
  - (a) Are directly related to a use permitted in the /WB area.
  - (b) Address an imminent threat to public health and safety.
  - (c) Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

*(Section 9.4840, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.4850** **Exceptions**. The planning director shall have authority to grant exceptions to the standard setback distances and permitted uses within /WB areas subject to site review approval and in accordance with the following provisions:

- (1) **Criteria**. Exceptions shall be granted only if the applicant demonstrates in writing that at least one of the following exists:
  - (a) Through a combination of buffer enhancements and site design alterations a smaller buffer setback distance can provide protection to the resource that is equal to or better than that provided by the standard buffers specified above, including, but not limited to meeting or



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exceeding EC 9.2530 Natural Resource Zone Development Standards (1) through (4).

- (b) No economically viable use allowed within the base zone or special area zone could occur as a result of the application of these setback and buffer provisions, and that this circumstance is not purposefully brought about by any deliberate action of the owner or developer of the property.

An exception shall be granted by the planning director in these cases, and Type II buffers of less than 50 feet are permitted on high value wetlands and Type II buffers of less than 25 feet are permitted on moderate value wetlands. Setbacks around high value wetlands shall not be less than 25 feet in any case.

- (2) **Buffer Averaging.** Wherever practical, reductions in buffer distance from the standard buffer setback distances due to approved exceptions shall be accomplished through averaging the buffer distance on a site. Averaging means that when the buffer setback is reduced in one location, it is expanded somewhere else in compensation so that the total buffer area remains the same.
- (a) Wherever practical, reductions in buffer distance due to approved exceptions shall occur adjacent to lower value or less sensitive areas within a given wetland site and expansion of the buffer in compensation shall occur adjacent to higher value or more sensitive areas within a given wetland site.
- (b) To the extent practicable, wherever buffers are reduced from the standard setbacks along channel sites or other linear sites, buffers shall be increased on the opposite bank of the channel across from the area where the reduction is allowed.
- (3) **Reductions to Other Standards.** The planning director shall have authority to reduce other setbacks and landscape requirements contained in this land use code on properties where wetland buffer setbacks are required.
- (4) **Applicable Standards.** All construction, vegetation removal and earth moving that takes place inside standard /WB setback areas as approved through this exception process shall conform to EC 9.2530 Natural Resource Zone Development Standards (2) through (19).

*(Section 9.4850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.4860 /WB Miscellaneous Provisions.**

- (1) Type I buffer setbacks that are not enhanced by the owner or developer may be enhanced in cooperation with the owner(s) by government or other non-profit agencies or organizations as part of demonstration projects, habitat management or other programs that are consistent with adopted plans or policies.
- (2) To the extent practicable, density transfers shall be used to offset restrictions on building within buffer setback areas in residential zones. A density transfer is an allowance within a given parcel or development site under one ownership to increase the density beyond the normal code limits, in compensation for a reduction elsewhere on the site required or caused by local regulations.

*(Section 9.4860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **/WR WATER RESOURCES CONSERVATION OVERLAY ZONE**

**9.4900**     **/WR Water Resources Conservation Overlay Zone - Purpose.** The purpose of the /WR Water Resources Conservation overlay zone is to provide conservation of significant riparian areas, wetlands and other water-related wildlife habitat areas included on the city's adopted Goal 5 inventory. In order to conserve these resources and the biological systems they contain and support, the overlay zone not only conserves the physical resources but also protects the water quality within the resource areas as a fundamental and essential requirement for continued survival of these biological systems.

*(Section 9.4900 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4910**     **/WR Water Resources Conservation Overlay Zone - Applicability.** The /WR Water Resources Conservation Overlay Zone applies to all property to which the /WR Water Resources Conservation Overlay Zone has been applied through the city's rezoning process or through automatic rezoning upon annexation.

*(Section 9.4910 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4913**     **/WR Water Resources Conservation Overlay Zone – Relationship to Other Zones.** The provisions of the /WR Water Resources Conservation Overlay Zone shall control over other zoning provisions on all property to which the /WR Water Resources Conservation Overlay Zone has been applied except as provided in EC 9.4930(1).

*(Section 9.4913 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4915**     **/WR Water Resources Conservation Overlay Zone - Siting Requirements.** The /WR overlay zone shall be applied to property that:

- (1)** Is not already designated for protection or restoration by the West Eugene Wetlands Plan;
- (2)** Meets the other approval criteria of EC 9.8865; and
- (3)** Includes a Goal 5 Water Resource Site identified for conservation in the Goal 5 Water Resources Conservation Plan or includes land within the /WR Water Resources Conservation Area as described in EC 9.4920.

*(Section 9.4915 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4920**     **/WR Water Resources Conservation Overlay Zone – Components of /WR Conservation Area.**

- (1)** Except as provided in Subsections (5) and (6), the component areas of the /WR conservation area for Goal 5 Water Resource Sites are described and defined as follows:
  - (a)** For riparian corridor and upland wildlife habitat sites E35, E37, E38, E81, E86, and E88, the /WR conservation area consists of the area between the top of high bank on both sides of the stream and the area within the applicable conservation setback.
  - (b)** For riparian corridor sites not listed in subsection (a), the /WR conservation area consists of the area within the Goal 5 Water Resource Site and the area within the applicable conservation setback.
  - (c)** The conservation setback for a particular riparian corridor or upland

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wildlife habitat site is determined based on whether it is a Category A, B, C, D or E stream in the Goal 5 Water Resources Conservation Plan. Conservation setbacks are measured horizontally from the top of the high bank as set out in 1., below, or, only when the top of high bank is not identifiable, from the line of ordinary high water, as set out in 2., below.

1. For conservation setback distances measured from the top of the high bank, the top of high bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of the high bank.

<u>Resource</u>	<u>Conservation Setback</u>
Category A Streams	100 feet
Category B Streams	60 feet
Category C Streams	40 feet
Category D Streams	20 feet
Category E Streams	no conservation setback

2. For conservation setback distances measured horizontally from the line of ordinary high water, top of high bank shall be considered not identifiable when both of the following are lacking: an abrupt or noticeable change from a steeper grade to a less steep grade, and a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. In a given stream, pond, or other water body, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually identified in the field by physical characteristics that include one or more of the following:
  - a. A clear, natural line impressed on the bank by the presence of water, flowing water or waves.
  - b. Changes in the characteristics of soils.
  - c. The presence of water-borne litter and debris.
  - d. The uppermost limit of destruction of terrestrial vegetation by the presence of water, flowing water or waves.

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data is available. Conservation setback distances measured from the line of ordinary high water are as follows:

<u>Resource</u>	<u>Conservation Setback</u>
Category A Streams	120 feet
Category B Streams	75 feet
Category C Streams	50 feet
Category D Streams	25 feet
Category E Streams	no conservation setback

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- (2) Except as provided in Subsections (5) and (6), the 2 components areas of the /WR conservation area for water features identified as wetlands to be protected in the Goal 5 Water Resources Conservation Plan are described and defined as follows:
- (a) The Goal 5 Water Resource Site.
  - (b) The area within the applicable conservation setback. The conservation setback for a particular site is determined based on whether it is a Category A, B or C wetland in the Goal 5 Water Resources Conservation Plan. Conservation setback distances for wetlands are measured horizontally from wetland boundaries established under the "Goal 5 Locally Significant Wetland Sites Within the Eugene Urban Growth Boundary" map or if provided by the property owner, from the jurisdictional wetland boundary accepted by the Oregon Department of State Lands. Conservation setback distances are as follows:
- | <u>Resource</u>    | <u>Conservation Setback</u> |
|--------------------|-----------------------------|
| Category A Wetland | 50 feet                     |
| Category B Wetland | 25 feet                     |
| Category C Wetland | no conservation setback     |
- (3) To determine the /WR conservation area for sites in which wetlands exist along with either an upland wildlife habitat site or a riparian site, the /WR conservation area for each of the individual water features shall be calculated and mapped separately, and the total footprint of all the individual /WR conservation areas combined shall be the /WR conservation area for that site.
- (4) The /WR conservation area for properties having the S-RN Royal Node Special Area Zone and the /WR Water Resources Conservation Overlay Zone shall be limited to that area designated "drainage corridor" on Map 9.3805 S-RN Royal Node Special Area Zone and Subareas of this Land Use Code.
- (5) Areas which the applicant has shown to have been developed prior to November 14, 2005, are excluded from /WR conservation areas. For purposes of this subsection, "developed" means within the footprint of a legally constructed:
- (a) Building, or other substantial structure constructed on a concrete foundation;
  - (b) Permanent dwelling (including manufactured dwelling) constructed without a concrete foundation;
  - (c) Permanent deck or patio that is attached to a structure listed in subsection (a) or (b) above; or
  - (d) Paved or gravel parking area, road, or driveway that serves uses in an adjacent building or structure listed in subsection (a) or (b) above.
- Fences and landscaping do not cause an area to be "developed" to warrant exclusion from the /WR conservation area.
- (6) Where an existing development under subsection (5) above or an existing developed street physically isolates a portion of the conservation setback area from the resource site, that isolated portion of the conservation area shall be excluded from the conservation area.

*(Section 9.4920 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4930 /WR Water Resources Conservation Overlay Zone - Permitted and Prohibited Uses and Exceptions.** Uses are permitted or prohibited within the /WR Resources Conservation Overlay Zone based on whether they occur inside or outside the /WR

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Conservation Area as defined in EC 9.4920, as follows:

- (1) **Uses Permitted Outside the /WR Conservation Area.** The uses permitted on portions of properties located outside of the /WR conservation area are the same as those otherwise permitted without consideration of the /WR Water Resources Conservation Overlay Zone.
- (2) **Uses Permitted Within the /WR Conservation Area.** Subject to subsections (3) and (4) and any applicable development permits, the following uses are permitted within the /WR conservation area:
  - (a) Removal of refuse.
  - (b) Removal of any fill that is in response to a written determination from a regulating agency that the fill is in violation of local, state or federal regulations.
  - (c) Removal of plants that are non-native and invasive, provided that any significant tree within 25 feet of a Category B, C or D stream that is removed under this subsection must be replaced within 6 months by a native tree that will grow to similar (or greater) size, height and canopy spread as the one removed. Trees with large canopy spread or height may be replaced by multiple trees that, in combination, will provide similar height and canopy spread.
  - (d) Planting or replanting with native plants.
  - (e) Maintenance of access roads or pathways and channel maintenance practices used to maintain stormwater conveyance and flood control capacity as required by local policies, local, state and federal regulations, and intergovernmental agreements.
  - (f) A public entity's removal of vegetation by mechanical or manual means within a strip not to exceed 15 feet wide from publicly owned property within the /WR conservation area where that property abuts private property that is not within a /WR conservation area.
  - (g) Repair or replacement of a privately-owned, culverted stream crossing within the same total footprint as the original culvert and crossing.
  - (h) Construction of low impact trails with no impervious surface, not to exceed 3 feet in width.
  - (i) Planting or removal of plants within an area that, prior to November 14, 2005, was cleared of native vegetation and intentionally planted with ornamental landscape plants. Expansion of the landscaped area through additional clearing of naturally established native plants within the /WR conservation area is prohibited.
  - (j) Removal of vegetation that the city fire marshal has declared poses a potential fire hazard to existing structures. Written documentation of the fire marshal's declaration, including a description of the location of the structure and the location of the vegetation to be removed, shall be provided to the planning director prior to the removal. The removal shall be limited to the extent specified by the fire marshal's declaration.
  - (k) Removal of hazardous tree(s), so long as prior to removal the property owner submits to the planning director a written evaluation of each tree proposed for removal prepared by a certified arborist declaring the tree(s) to be hazardous and recommending immediate removal. The written evaluation shall be on a form prescribed by the city manager pursuant to section 2.019 City Manager – Administrative and Rulemaking Authority and Procedures.

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- (l) Removal of trees or shrubs that are neither native plants nor non-native, invasive plants, provided that each tree and shrub over 5 feet in height that is removed within 25 feet of a Category B, C or D stream is replaced within 6 months by a native tree or shrub. Replacement of a tree must be with a tree that will grow to similar (or greater), size, height and canopy spread as the one removed. Trees with large canopy spread or height may be replaced by multiple trees that, in combination, will provide similar height and canopy spread.
  - (m) Construction of a stream crossing with a culvert or bridge for a private access road over a Category E stream, where no other point of access to an adjacent street or road is available.
  - (n) Maintenance, repair, and reconstruction of utility facilities existing as of November 14, 2005 where such action will involve excavation or ground disturbance within the conservation area of 500 square feet or less, and where such action is necessary to maintain access, maintain or improve safety, maintain proper functioning or is required by local policies, local, state or federal regulations, or intergovernmental agreements. See subsection (3)(d) of this section for maintenance, repair and reconstruction activities that are subject to the standards review process.
  - (o) Emergency repair of a failing slope or eroding channel bank, provided that, within one week of commencing the repair work, the owner of the subject property submits to the planning director a written evaluation of the bank failure prepared by a certified engineer that includes:
    - 1. A description of the location, extent and probable cause of the slope or bank failure,
    - 2. A determination that the slope or bank failure constitutes an emergency and threatens public safety or the structural integrity of an adjacent or downstream legally constructed structure,
    - 3. A declaration that immediate repair of the slope or bank failure is necessary to protect public safety or the structural integrity of structure(s) described under subsection 2.
    - 4. A statement that the method of repair will minimize impacts to riparian and in-stream habitat to the greatest extent practicable.Consistency with the provisions of this subsection do not exempt the property owner from state or federal laws or regulations that protect wetlands, waterways or other natural resources.
- (3) Uses Subject to Standards Review Within /WR Conservation Areas.** Except as prohibited by subsection (4), or as excepted under subsection (5), within /WR conservation areas, the following uses are permitted, subject to the standards review process beginning with EC 9.8460 in which consistency with the specific standards referenced for each use below shall be used as the criteria for approval.
- (a) Realignment and reconfiguration of channels and pond banks. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5).
  - (b) Construction of public improvements (including but not limited to streets, bridges, paved bikeways and pedestrian paths, and public utilities) required by this land use code or specified in adopted plans. Subject to

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### EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (1) through (11).

- (c) Construction of public access facilities and information and interpretation facilities on public lands where it is demonstrated that public access must be controlled in order to protect the resource. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (1) through (11).
- (d) Maintenance, repair, and reconstruction of utility facilities existing as of November 14, 2005 within /WR conservation areas of Category A, B, C, or D streams or Category A, B, or C wetlands, where such action will involve excavation or ground disturbance within the /WR conservation area of more than 500 square feet, and where the footprint of above-ground facilities will not be expanded. For purposes of this subsection, agencies or entities that manage and maintain utility facilities may make application for individual actions or may submit an application for approval of a maintenance, repair and reconstruction program, such that all activities consistent with the approved program would be deemed consistent with this subsection, and applications for individual actions would not be required. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5) and to the following additional standards:
  - 1. The action is necessary in order to maintain access, maintain or improve safety, maintain proper functioning, or is required by local policies, local, state or federal regulations, or intergovernmental agreements.
  - 2. Excavated areas shall be backfilled to the previous grade with existing native soil used for the uppermost 3 feet of backfill whenever possible and in no case less than the uppermost 2 feet of backfill.
  - 3. Except for emergency repairs, maintenance, repair and reconstruction of utility facilities shall be planned and timed to minimize adverse impacts to wildlife and habitat within a /WR conservation area. Emergency repairs shall meet the requirements of 9.4930(2)(o).
  - 4. Utility agencies and their agents shall use the best feasible technology to pinpoint the location of needed repairs to underground utilities prior to excavation in order to limit the area of impact.
- (e) Construction of new underground utility lines within /WR conservation areas of Category A, B, C, or D streams or Category A, B, or C wetlands. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5) and to the following additional standards:
  - 1. No reasonable alternative routes exist to provide service to an unserved area or to connect to an existing line.
  - 2. Routing of new utility lines shall be designed so as to minimize adverse impacts to habitat within the /WR conservation area to the greatest extent practicable.
  - 3. Excavated areas shall be backfilled to the previous grade with existing native soil used for the uppermost 3 feet of backfill

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- whenever possible and in no case less than the uppermost 2 feet of backfill.
4. Construction of new utility facilities shall be planned and timed to minimize adverse impacts to wildlife and habitat within a /WR conservation area.
  5. Impacts to plant species listed as threatened or endangered by the Oregon Department of Agriculture or the U.S. Fish and Wildlife Service shall be avoided.
- (f) Wetland or riparian area enhancement, restoration or creation activities. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5).
- (g) Construction of stormwater quality treatment facilities that do not discharge into a stream or wetland within the /WR conservation area and that do not include adding impervious surfaces. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5).
- (h) Discharge of stormwater collected from impervious surfaces into a wetland or stream within the /WR conservation area, if the following standards 1. through 4. are met:
1. No other gravity-based stormwater discharge options are available for the site.
  2. All of the stormwater runoff from the development site that will result from the water quality design storm will be treated by a privately constructed and maintained stormwater management facility prior to discharge. For purposes of this subsection, the term "water quality design storm" means a theoretical storm for estimating the amount of stormwater runoff to be treated, and is different for volume based facilities and flow-through facilities as follows:
    - a. Facilities designed to store and treat a volume of stormwater shall be sized using a water quality design storm of 1.4 inches of rainfall in 24-hours using Soil Conservation Service (SCS now the Natural Resources Conservation Service) methodology.
    - b. Facilities designed to treat a rate of flow draining through them shall be sized using a rainfall intensity of 0.12 inches per hour for facilities off-line from the conveyance system, or 0.21 inches per hour for on-line facilities, and using the rational equation.
  3. The stormwater is treated prior to discharge utilizing one or more of the following stormwater management facilities: eco-roof, stormwater planter, swale, filter, infiltration basin, and manufactured treatment facility.
  4. Design and construction of the stormwater management facility is subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5).
- (i) Construction of paved pathways of no more than 6 feet in width for passive recreation within the conservation area for Category A, B, or C streams or Category A wetlands, and no more than 12 feet for bike paths identified in TransPlan. Subject to EC 9.4980 /WR Water



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Resources Conservation Overlay Zone Development Standards (2) through (6) and (11).

- (j) Construction of a private access road where no other point of access is available except through the /WR conservation area of a Category A, B, C or D stream or a Category A, B, or C wetland, and where the number of stream or wetland crossings is the minimum necessary for the approved use. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (6) and(10).
- (k) Non-emergency repair or stabilization of a failing slope or eroding channel bank. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (6), and provided the applicant submits to the planning director a report from a certified engineer that includes the following:
  - 1. A description of the location, extent and probable cause of the slope or bank failure,
  - 2. A determination that the slope or bank failure threatens public safety or the structural integrity of an adjacent or downstream legally constructed structure,
  - 3. A declaration that repair of the slope or bank failure is necessary to protect public safety or the structural integrity of structure(s) described under subsection 2. above,
  - 4. A statement that the method of repair is necessary to protect public safety of the structural integrity of structure(s) described under subsection 2. above and will minimize impacts to riparian and in-stream habitat to the greatest extent practicable.Consistency with the provisions of this subsection do not exempt the property owner from state or federal laws or regulations that protect wetlands, waterways or other natural resources.

- (4) Uses Prohibited Within the /WR Conservation Area.** Uses that are not specifically allowed under subsections (2), (3) or (5) are prohibited within /WR conservation areas. Prohibited uses include, but are not limited to, the following:
- (a) Storage of hazardous or toxic materials.
  - (b) Depositing, dumping, piling or disposal of refuse, or dumping, piling, disposing or composting of yard debris, fill, or other material except for single family residential composting, which must be kept at least 10 feet from the top of the bank of any water feature, and soils or soil amendments used for replanting in accordance with provisions of this section.
  - (c) Construction of new septic drainfields.
  - (d) Channelizing or straightening natural drainageways.
  - (e) Removal or destruction of a plant species listed as threatened or endangered by the Oregon Department of Agriculture or the U.S. Fish and Wildlife Service unless written notice of the removal or destruction is provided to the city's Planning and Development Department, the Plant Division of the Oregon Department of Agriculture, and the U.S. Fish and Wildlife Service 30 days prior to the removal or destruction. Such notice shall include the location, the names of the plant species to be affected,

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how many plants are to be affected and the reason for the removal or destruction.

- (f) Filling, grading and excavating.
- (g) Storage of wood, other building materials, vehicles or machinery.
- (5) Exceptions.** Activities that are explicitly authorized by a city land use approval issued prior to November 14, 2005 or that are necessary to carry out uses or development explicitly authorized by such an approval are exempt from the restrictions of the provisions of subsections (2), (3) and (4) of this section if the authorization is part of one of the following:
  - (a) A site review plan;
  - (b) A conditional use permit;
  - (c) A tentative subdivision or tentative cluster subdivision submitted and approved after August 1, 2001;
  - (d) A greenway permit; or
  - (e) A planned unit development.

*(Section 9.4930 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4940 WR Water Resources Conservation Overlay Zone - Conveyance of Stormwater Maintenance Easement.** Within the WR conservation area, the city shall have the authority to require conveyance of a maintenance access easement for any natural or human made stormwater facility as a condition of approval for a land use permit. Maintenance access easements within the conservation area shall be only for the purpose of allowing access to the stormwater facility for city maintenance staff and equipment and shall be no more than 15 feet wide.

*(Section 9.4940 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4950 WR Water Resources Conservation Overlay Zone – Adjustments.**

- (1)** Adjustments to the provisions of EC 9.4920 may be made subject to compliance with the criteria for adjustment in EC 9.8030(21)(a), (b) or (c).
- (2)** Adjustments to the provisions of EC 9.4930 or 9.4980 may be made subject to compliance with the criteria for adjustment in EC 9.8030(21)(d).

*(Section 9.4950 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.4960 WR Water Resources Conservation Overlay Zone – Map or Zone Error.** The provisions of this section apply in the case of an alleged error in the mapping of a Goal 5 resource site on the Goal 5 Water Resources Conservation Plan Map and/or in the case of an alleged error in the application of the WR Water Resources Overlay Zone to a specific lot. With respect to alleged errors in the application of the overlay zone, the provisions of this section apply instead of the zone change procedures and criteria described at EC 9.8850 through 9.8865. This section provides the only basis for removal of the WR Water Resources Overlay Zone or corrections to the Goal 5 Water Resources Conservation Plan Map.

- (1) Initial Consultation.** An applicant may request an initial consultation with city staff to assist the applicant in determining whether an application under subsection (2) or (3) of this section is the most appropriate application for the specific error alleged.
- (2) Correction Based Solely on Aerial Photography or Geographic Information System Data.** An application submitted pursuant to this subsection shall be processed under the Type I application procedure (EC 9.7100 – 9.7120).

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- (a) Application Requirements.
  - 1. A form provided by the city and a fee established pursuant to EC chapter 2.
  - 2. For allegations of error on the Goal 5 Water Resources Conservation Plan Map: identification of the Goal 5 Water Resource Site alleged to have been incorrectly mapped on the Goal 5 Water Resources Conservation Plan Map.
  - 3. For allegations of error on the Eugene Overlay Zone Map: a list of the tax lots and a description of any right-of-way alleged to have been incorrectly included in the /WR Water Resources Conservation Overlay Zone.
  - 4. A description of the alleged error and the proposed correction.
- (b) Approval Criteria Based Solely on Aerial Photography and Geographic Information System Data.
  - 1. For allegations of error on the Goal 5 Water Resources Conservation Plan Map: it is clear that, at the time the city adopted the Goal 5 Water Resources Conservation Plan Map, that Map showed an incorrect location of the identified Goal 5 Water Resource Site.
  - 2. For allegations of error on the Eugene Overlay Zone map: it is clear that, at the time the city applied the /WR Water Resources Conservation Overlay Zone to the subject lot(s), the city was incorrect in its determination that the lot(s) contained a Goal 5 Water Resource Site or a /WR Water Resources Conservation Area.

**(3) Correction Based on Additional Information.** An application submitted pursuant to this subsection (3) shall be processed under the Type II application procedure (EC 9.7200 – 9.7230).

- (a) Application requirements.
  - 1. The materials required under subsection (2)(a).
  - 2. If the alleged error is in the city's measurement of the conservation setback (as opposed to the location of the resource itself), a site plan drawn to scale, showing all of the following:
    - a. The location of the boundary of the resource as mapped by the city in the Goal 5 Water Resources Conservation Plan;
    - b. The alleged correct location of the boundary of the /WR conservation area for the resource in question based on EC 9.4920;
    - c. The distance in feet from the nearest point of the alleged correct location of the boundary of the /WR conservation area of the resource in question to the subject property.
  - 3. If the alleged error is in the mapping of an upland wildlife habitat site or a riparian site (as opposed to the measurement of the site's conservation setback):
    - a. A detailed written description of the mapped area claimed to be incorrectly included within the resource site in question, including an inventory list of plant species and the relative frequency of plant species listed;
    - b. The location of the boundary of the resource as mapped by the city in the Goal 5 Water Resources Conservation Plan;

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- c. The alleged correct location of the boundary of the /WR conservation area for the resource in question; and\
  - d. Color photographs of the area claimed to be incorrectly included within the resource site in question.
4. If the alleged error is in the mapping of a wetland site (as opposed to the measurement of the conservation setback area), a wetland determination or a wetland delineation report and map, and a signed concurrence letter from the Oregon Department of State Lands, indicating that the determination or report is consistent with Oregon Administrative Rules pertaining to mapping of jurisdictional wetlands. The map must show all pertinent tax lot lines and rights-of-way boundaries.
- (b) Approval Criteria.
1. For allegations of error on the Goal 5 Water Resources Conservation Plan Map: at the time the city adopted the Goal 5 Water Resources Conservation Plan Map, that Map showed an incorrect location of the identified Goal 5 Water Resource Site.
  2. For allegations of error on the Eugene Overlay Zone Map: at the time the city applied the /WR Water Resources Conservation Overlay Zone to the subject lot(s), the city was incorrect in its determination that the lot(s) contained a Goal 5 Water Resource Site or a /WR Water Resources Conservation Area.
- (4) Amendment of the Goal 5 Water Resources Conservation Plan Map or the Eugene Overlay Zone Map.** As a result of the Type I or Type II processes described above, if the city determines that there is an error in the Goal 5 Water Resources Conservation Plan Map or the Eugene Overlay Zone Map, the planning director shall issue an order amending the applicable map(s) to correct the error.

*(Section 9.4960 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

- 9.4970 /WR Water Resources Conservation Overlay Zone - State Wetland Notification.**  
The city shall notify the Oregon Department of State Lands (DSL) concerning land use and building permit applications within wetland sites consistent with state law.  
*(Section 9.4970 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

- 9.4980 /WR Water Resources Conservation Overlay Zone - Development Standards.**  
The following standards apply only as specifically required by EC 9.4930(3) or EC 9.8030(21):
- (1) Enhancement.** Where the /WR conservation area is reduced, or uses are approved within the /WR conservation area, the remaining /WR conservation area shall be enhanced consistent with this subsection and by removing non-native plant species and planting native plant species consistent with subsections (2) and (3) below.
- (a) All refuse, toxic materials and any fill that limits or decreases the capacity of the conservation setback area to filter pollutants from runoff that flows across the conservation setback area shall be removed (not including stormwater collected and discharged from impervious surfaces).
  - (b) Where practicable, finished grades shall encourage sheet flow of runoff across conservation setback areas to maximize filtering and infiltration of

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precipitation and runoff within conservation setback areas (not including stormwater collected and discharged from impervious surfaces).

- (c) On sites where the slope within the conservation setback area exceeds 15 percent, measures (e.g., planting and contouring) shall be taken to slow the flow of runoff to the maximum extent practicable (not including stormwater collected and discharged from impervious surfaces).
  - (d) Non-native plants shall be permanently removed to the maximum extent practicable and replaced with native plant species in accordance with subsection (3) below.
  - (e) Except as required by EC 9.4980(2)(c), EC 9.4980(3)(d) and EC 9.4980(3)(e), site work to enhance the conservation setback area shall be completed prior to or concurrent with other site development, unless appropriate native plant species are not available within that time frame.
- (2) **Vegetation Removal.** Vegetation removal within the AWR conservation area and within areas removed from the AWR conservation area shall comply with the following standards:
- (a) Vegetation removal shall be limited to:
    - 1. Plant species that are non-native and invasive;
    - 2. Dead or dried native plants or grasses only when they constitute an imminent fire hazard;
    - 3. Living native or non-native vegetation, when its removal is necessary to facilitate or encourage the growth of other native species (e.g., native wet prairie plant species) consistent with adopted plans or policies; or
    - 4. The minimum area of native vegetation removal necessary to accommodate uses approved in accordance with EC 9.4930(3)(a) through EC 9.4930(3)(k), and uses approved through an adjustment approved in accordance with EC 9.8030(21).
  - (b) Clearing of more than 500 square feet of vegetation must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.
  - (c) Any clearing of vegetation that is not within the footprint of uses approved in accordance with EC 9.4930(3)(a) through EC 9.4930(3)(k), or uses approved through an adjustment approved under EC 9.8030(21), must be followed by replanting in accordance with the requirements of subsection (3) below.
- (3) **Planting and Replanting.** Planting or replanting within the AWR conservation area shall comply with the following standards:
- (a) Areas of existing bare soil and areas which have been cleared or graded in accordance with subsection EC 9.4980(2) or EC 9.4980(5) shall be planted with native plant species. Except as required in (b) and (c) below, plant species and plant spacing used for such plantings shall be appropriate to increasing to the greatest extent practicable the capacity of the conservation setback area to filter pollutants from runoff that flows across the conservation setback area (not including stormwater collected and discharged from impervious surfaces). Where existing native vegetation already serves this function to some extent, additional native plants shall be planted in order to augment native vegetation already existing. Plant species selected for all plantings shall be appropriate to the site given its topography, hydrology, soil, and existing native plant species.

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- (b) Planting or replanting within 25 feet of a Category B, C, or D stream within the /WR conservation area shall include native tree or large shrub species and located so as to provide substantial shading of the channel during times of peak solar input.
  - (c) Where non-native or damaged trees are removed within 25 feet of a Category B, C, or D stream within the /WR conservation area, they shall be replaced with native tree or large shrub species and located so as to achieve equal or greater shading of the channel during times of peak solar input as the trees removed.
  - (d) Replanting of areas cleared of existing vegetation must be completed within 90 days following the removal or clearing, unless otherwise approved by the planning director.
  - (e) Plantings shall not adversely affect adjacent protected water resources or existing native vegetation through shading or invasion by plant species introduced into the setback.
- (4) **Construction Practices.** Construction within the /WR conservation area, and within areas removed from the /WR conservation area shall comply with the following standards:
- (a) For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, or damaging or compacting soil. The following standards shall apply to use of heavy machinery within the /WR conservation area:
    - 1. On sites where soils are susceptible to severe compaction or structural damage when wet or saturated, use of heavy machinery shall be limited to the period between June 15 and September 30, unless otherwise approved by the planning director.
    - 2. Use of heavy machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where its use is necessary.
  - (b) Petroleum products, chemicals, or other deleterious materials used in the construction process shall not be allowed to enter a stream or wetland that is within a /WR conservation area.
- (5) **Filling, Grading and Excavating.** Filling, grading and excavating within the /WR conservation area and within areas removed from the /WR conservation area shall comply with the following standards:
- (a) Filling, grading or excavating of more than 500 square feet must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.
  - (b) Grading and excavating conducted as part of restoration or enhancement projects, and bank and channel reconfiguration shall result in topography that resembles landscapes shaped only by natural processes, for example, incorporating the undulations, meanders and slopes found in such landscapes. For purposes of this standard, straight lines and geometric or angular shapes are not acceptable. Channel and stream bank slopes shall not exceed 25 percent at elevations of 500 feet or less.
- (6) **Impervious Surfaces.** Within the /WR conservation area, construction of new impervious surfaces shall comply with the following standards:
- (a) Impervious surfaces are prohibited within the /WR conservation area unless they are part of a use approved in accordance with EC

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- 9.4930(3).
- (b) Impervious surfaces that are part of a use approved in accordance with EC 9.4930(3) shall be no larger than the minimum necessary for the approved use. For sites with wetlands, impervious surfaces shall be located as far from the boundaries of locally significant wetlands as practicable. For riparian and upland wildlife habitat sites, impervious surfaces shall be located as far from the line of ordinary high water as practicable.
  - (c) Durable porous paving treatments or other infiltration devices approved by the planning director or decision-maker shall be used in lieu of standard impervious paving surfaces to increase infiltration of stormwater where practicable. This standard shall apply only to low volume parking areas, foot paths or lightly used access roads, where porous soils and flat topography will facilitate infiltration of runoff. For the purposes of this subsection, gravel surfaces are not acceptable as porous paving or as an infiltration device.
- (7) **Site Layout.** On sites where the /WR conservation area is reduced, high intensity uses within the entire development site, including high volume traffic lanes and truck loading docks, shall be designed and located so that adverse impacts to wetland and riparian habitats within the /WR conservation area are minimized to the greatest extent practicable.
- (8) **Lighting.** Within the /WR conservation area, and within areas removed from the /WR conservation area, outdoor area lighting shall be prohibited, except to illuminate walkways, bike paths, pedestrian gathering areas, and parking areas, where these facilities are intended to be used after dark. Outdoor area lighting is lighting designed to illuminate an outdoor activity area, trail or bicycle path. Where lighting is to be provided within the /WR conservation area and within areas removed from the /WR conservation area, the following standards shall apply:
- (a) Illumination for walkways, pathways or pedestrian gathering areas shall be no more than an average maintained luminance of 0.5 foot-candle at grade.
  - (b) Output from all other light sources shall be no more than an average maintained luminance of 0.9 foot-candle at grade.
  - (c) All lighting fixtures shall be designed to direct light downward to areas intended for human use after dark, and shall be shielded such that light shining toward /WR conservation areas is minimized to the maximum extent practicable.
- (9) **Trails.** Within the /WR conservation area, trails shall be constructed of gravel, wood chips or other pervious material, unless otherwise approved by the city manager or decision-maker. Trail construction shall involve the least removal of native vegetation practicable for the area and the minimum amount of fill or excavation practicable.
- (10) **Stream and Channel Crossings.** Bridges or other structures that cross streams or wetlands within the /WR conservation area or areas removed from the /WR conservation area shall be constructed so that water flow, vegetation growth and movement of aquatic animals and water dependent wildlife are impeded to the least extent practicable. To meet this standard, bridges and crossings shall include, but are not limited to, applicable items from the following list:

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- (a) Bridges across Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall, where practicable, be designed to avoid channel constriction when flows reach the top of high bank. Where practicable, bridges shall span a distance 1.2 times the width of the stream channel from top of high bank to top of high bank to help prevent scouring within the structure or at the outlet during less frequent floods.
  - (b) Crossings over Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall utilize bridges or natural substrate culverts where possible. Where practicable, the lower lip of any natural substrate culvert shall be embedded at least 1 foot for box culverts and pipe arches, and at least 25% of the pipe diameter for pipe culverts. The substrate within the structure shall match the composition of the substrate in the natural stream channel at the time of construction. The substrate shall either resist displacement during flood events or the structure shall be designed to maintain an appropriate bottom through natural bed load transport.
  - (c) Bridges and culverts on Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall be constructed so that the "openness ratio" of the structure is equal to or greater than 0.25. The "openness ratio" is the cross-sectional area of the passage area under or within the structure divided by the length of the stream segment it crosses over. For a box culvert, the openness ratio shall be (height x width)/length.
  - (d) Culverts shall not substantially increase or decrease water depth or flow rate conditions upstream or downstream from the culvert.
  - (e) The lower lip of all culverts shall meet the stream or channel bed at or below grade.
  - (f) Culverts shall be the minimum length practicable, and fill on top of the culvert shall have the minimum footprint practicable.
- (11) Interpretive Facilities.** Within the /WR conservation area, boardwalks, viewing platforms, interpretive information kiosks, trail and interpretive signs shall be constructed in a manner that involves the least removal of native vegetation practicable. Signs shall be no more than 5 feet tall, and 16 square feet per face in surface area, except for signs intended to be read from moving automobiles, such as site entrance signs, which shall be no more than 8 feet tall and 32 square feet per face in surface area. Kiosks shall be no more than 8 feet tall and 16 square feet per face in surface area. The number of signs shall be the minimum necessary to accomplish project objectives.

*(Section 9.4980 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; administratively corrected November 27, 2006.)*



## Special Development Standards for Certain Uses

**9.5000** **Purpose and Applicability.** In addition to other development standards in this land use code, sections 9.5050 through 9.5850 contain special development standards for certain uses. Except as otherwise provided in sections 9.5050 through 9.5850, where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use is (S) “permitted, subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000,” consistency with these standards is required in order to establish the subject use. In the event of a conflict between the general development standards and the special development standards, the provisions of the special development standards control.

*(Section 9.5000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.5050** **Amateur Radio Antenna Structure Standards.**

- (1) The maximum permitted height is 70 feet measured from the ground directly below the structure’s base, unless a variance is approved.
- (2) The minimum setback from all property lines to the structure’s base is at least 1 foot for every 3 feet of height, unless a variance is approved. (For example, an antenna structure 70 feet in height would need to be set back a minimum of 23 feet from all adjacent property lines.) This standard shall not apply to antenna structures that extend a maximum of 18 feet above the height of the main house or building, whether the antenna structure is attached to it or freestanding.
- (3) Parts and assembly shall be in compliance with the manufacturer’s specifications or those of an engineer licensed by the State of Oregon.
- (4) The antenna structure shall be adequately grounded as required by specialty codes adopted pursuant to Chapter 8 of this code.
- (5) Structures and related guy wires and ground anchors shall comply with setback standards of the zone in which they are located.
- (6) Unless a conditional use permit is approved, the antenna structure shall be accessory to the main use of the property on which it is located.
- (7) Whether the antenna is attached to another structure or building, or is free-standing, a development permit shall be obtained prior to installation. Documentation may be required that verifies compliance with applicable codes and standards.
- (8) The antenna structure shall be in compliance with other applicable standards of the zone wherein it will be located.

*(Section 9.5050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.5100** **Bed and Breakfast Standards.**

- (1) **AG Agricultural and R-1 Low-Density Residential Zones:**
  - (a) The facility shall maintain an up-to-date guest register.
  - (b) The facility shall be owner-occupied.
  - (c) The length of stay for guests shall be a maximum of 30 consecutive nights.
  - (d) The number of guest bedrooms shall be limited to 2, with a maximum total of 5 guests at any one time.
  - (e) Signing shall be limited to one non-illuminated wall sign with a maximum area of 1½ square feet.

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- (f) There shall be at least 400 feet of separation in all directions between facilities. This includes, for example, a 400 foot separation from existing bed and breakfast facilities in commercial zones.
- (2) **R-2 Zone:**
  - (a) The facility shall maintain an up-to-date guest register.
  - (b) The facility shall be owner-occupied.
  - (c) The length of stay for guests shall be a maximum of 30 consecutive nights.
  - (d) The number of guest bedrooms shall be limited to 4.
  - (e) Signing shall be limited to one non-illuminated wall sign with a maximum area of 1½ square feet.
- (3) **R-3 and R-4 Zones:**
  - (a) Total number of guest bedrooms plus the owner or innkeeper's unit shall be limited to the number of dwelling units otherwise permitted in these zones.
  - (b) Signing shall be limited to 1 freestanding or wall sign with a maximum area of 1½ square feet.

*(Section 9.5100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.5150 Collection Center, Collection of Used Goods Standards.**

- (1) Collection of used goods shall be conducted in connection with collection centers as defined in this land use code.
- (2) Traffic circulation and vision clearance (both on-site and at entry locations) shall not be impeded by the collection center's location, donated materials storage, or any other activities associated with the use.
- (3) Collection center siting shall meet all requirements of the fire marshal's office for access and separation for both the center and nearby structures.
- (4) The collection center shall not be located in the public right-of-way.
- (5) The collection center shall not use on-site parking spaces required for other uses.
- (6) An attendant shall be present at all times donated goods can be accepted.
- (7) The collection center attendant shall maintain the area around the center.
- (8) No outside storage of donated materials shall be allowed.
- (9) No processing, sale, or distribution of collected materials shall be allowed.
- (10) There shall be at least 10 feet between the collection center and all residentially zoned property lines.

*(Section 9.5150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.5200 Day Care, Small (3-12 people served) Standards.** These standards apply to small, (3-12 people served) day care operations in residential zones where the Land Uses and Permit Requirements Table for the applicable zone indicates that the use(s) "permitted subject to zone verification and EC 9.5000 to 9.5850."

- (1) In addition to the standard required parking for other uses on the property, 1 off-street parking space is required per each outside employee.
- (2) Education programs offered as a primary activity or specialized training in activities such as dance, drama, music or religion shall be limited to preschool children.
- (3) At least 1 of the business owners of a day care service serving 3-12 people in R-1 and R-2 zones shall reside in the building.
- (4) No overnight care permitted without a conditional use permit.

(Section 9.5200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.5250 Urban Animal Keeping Standards.**

- (1) **Purpose.** The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, where this land use code allows Urban Animal Keeping, all of the standards in this section apply.
- (3) **General Standards.**
  - (a) Animals not addressed in this section are not permitted under the “Urban Animal Keeping” use category.
  - (b) Except for an animal kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.
  - (c) In addition to applicable provisions contained in this land use code, the keeping of one or more animals under these provisions shall also comply with all other applicable provisions of the Eugene Code, including but not limited to sections 4.083 through 4.084 Noise Disturbance, section 4.335 Animal Abuse, section 4.340 Animal Neglect, and section 4.430 Continuous Annoyance.
- (4) **Animals Allowed.**
  - (a) On development sites of less than 20,000 square feet and located in a zone that allows “Urban Animal Keeping,” any two of the following four categories of animals are allowed:
    1. Chickens and Domestic Fowl. Up to 6 of any combination of chickens and domestic fowl over six months of age and up to 6 of any combination of chickens and domestic fowl under six months of age. For purposes of EC 9.5250, “domestic fowl” means quails, pheasants, ducks, pigeons, and doves. Roosters, geese, peacocks, and turkeys are prohibited.
    2. Rabbits. Up to 6 over six months of age and up to 6 under six months of age.
    3. Miniature Goats. Up to 3 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered.
    4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

In addition to the above, Honey Bees are allowed (up to 3 hives) provided that they are located at least 5 feet from all property lines and the opening of the hive is pointed toward the center of the property and a water source is provided on site within 15 feet of each hive.

- (b) On development sites 20,000 square feet or greater and located in a zone that allows “Urban Animal Keeping,” all of the following are allowed:
  1. Chickens, Rabbits, and Domestic Fowl. Limited by the area requirement in section (8) below. Roosters, geese, peacocks, and turkeys are prohibited.

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2. Miniature Goats. Up to 3 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered. Additional miniature goats are allowed subject to the area requirement in section (8) below.
  3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
  4. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (8) below.
  5. Honey Bees. Up to 4 hives, provided that they are located at least 25 feet from all property lines and a water source is provided on site within 15 feet of each hive.
- (5) **Sanitation.** Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance. Proper sanitation includes:
- (a) Disposing of animal waste matter and not allowing it to accumulate;
  - (b) Compost piles that contain animal waste matter shall be located at least 5 feet from all property lines and be within a container or bin enclosed on all sides and covered to deter rodents, flies, and other pests;
  - (c) Ensuring odors resulting from the animals are not detectable beyond property lines; and
  - (d) Storing all animal food in metal or other rodent-proof containers.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all animals to the site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.**
- (a) An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.
  - (b) The enclosure shall be roofed and have at least two solid sides.
  - (c) The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.
  - (d) All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all property lines, except where an adjacent property owner authorizes in writing that an enclosure can be located closer to the neighbor's property.
- (8) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age is as follows:
- (a) Cows and horses: 10,000 square feet per animal.
  - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet per animal.
  - (c) Chickens, Rabbits, and Domestic Fowl: 1,000 square feet per animal.
- (9) **Harvesting.**
- (a) Only chickens, domestic fowl, or rabbits can be harvested on site.
  - (b) Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.
  - (c) Harvesting shall be done in a humane and sanitary manner.
  - (d) No commercial slaughterhouse shall be allowed.

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

*(Section 9.5250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20507, enacted February 20, 2013, effective March 25, 2013.)*

### **9.5300 Homeless Shelter Standards.**

- (1)** Expansion of the existing homeless shelter in existence on January 1, 1984 shall be limited to the area defined by the railroad tracks on the north, Chambers Connector on the west, from 600 feet of the shelter's development site boundary existing on January 1, 1984 on the east, provided, however, that those lots identified as Tax Lot 3400 on Assessor's Map 17-04-25-42 and Tax Lot 7200 on Assessor's Map 17-04-25-41 shall not be used for housing or residential purposes by the shelter, and the east-west alley between 1st and 2nd Avenues on the south.
- (2)** The current shelter shall be limited to providing housing for no more than 400 persons per night. The limit of 400 shall include both single adults and family members, in a ratio to be determined by the shelter at its sole discretion. This provision is expressly intended not to limit the shelter's ability to provide temporary housing above the capacity limit in emergency situations for short periods of time. The shelter's infirmary beds are not to be included in, or affected by, this capacity limit.
- (3)** The standards in this section do not apply to emergency housing shelters established or expanded due to flood, earthquake, or other natural disasters.

*(Section 9.5300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.5350 Home Occupation Standards.** Except for garage sales lasting no more than 3 consecutive days no more than 3 times in a year, and day care facilities, which are exempt, home occupations shall be subject to the following standards:

- (1)** The home occupation shall be incidental to the dwelling's residential use.
- (2)** There shall be no more than 1 non-illuminated sign permitted per each home occupation with a maximum limit of 2 signs per dwelling, consisting of a maximum of 1½ square feet in surface area per sign. The sign shall be attached to the dwelling or home occupation structure.
- (3)** There shall be no activity or display, other than the allowed sign, that will indicate from the exterior of the building that the property is being used for any purpose other than a dwelling.
- (4)** There shall be no display of materials visible from the street or outside storage other than plant materials.
- (5)** The home occupation shall not generate excessive traffic, on-street parking, glare, heat, electromagnetic interference or other emissions that are perceptible beyond the home occupation property. There shall not be regular freight truck delivery more than twice a week.
- (6)** The home occupation shall not result in any structural alterations or additions to the dwelling that will change its primary use as a dwelling.
- (7)** The dwelling shall not be used as headquarters for the assembly of workers for instruction or other purposes, including dispatch to other locations.
- (8)** There shall be a limit of 1 business vehicle per home occupation. In

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connection with home occupations, a business vehicle is any vehicle that is used in the conduct of the home occupation, or which has the name or logo under which the home occupation activity is conducted painted or otherwise exhibited on the vehicle.

- (9) Other than dwelling residents, there shall be a maximum of 2 employees per dwelling.
- (10) Parking shall be provided as required in conjunction with the dwelling.
- (11) A resident of the dwelling shall be employed in the home occupation.
- (12) There shall be no motor vehicle or motorcycle repair except to vehicles owned by persons residing on the property.
- (13) A home occupation shall not be permitted in a dwelling located on a flag lot.

*(Section 9.5350, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

### **9.5400 Manufactured Home/Dwelling Park Standards.** Manufactured home/dwelling parks shall be subject to the following standards:

- (1) Minimum area: 1 acre.
- (2) Occupied area surface treatment. Unless in conflict with state laws and regulations, all areas covered by manufactured dwellings and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.
- (3) All manufactured home parks shall comply with OAR Division 600 Manufactured Dwelling Parks and Mobile Home Parks.
- (4) All manufactured homes, accessory structures, decks, landings, steps, ramps, awnings, and carports shall comply with Oregon Manufactured Dwelling Standards.
- (5) The number of spaces designed for manufactured homes in the park shall comply with the residential density in Table 9.2750.

*(Section 9.5400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.5450 Model Home Sales Office Standards.**

- (1) A model home sales office may be used as a gathering point for personnel provided the personnel works in the subdivision or manufactured home park within which the model home is located.
- (2) All office activities shall be located entirely within the dwelling or garage; no outside equipment or material storage on the development site other than as necessary to complete construction of the units in that subdivision.
- (3) There shall be off-street parking spaces for all personnel and business vehicles associated with the model home.
- (4) The model home shall be located in the subdivision or manufactured home park under development.
- (5) There shall be no detrimental effect on the residential character of the surrounding neighborhood through excessive traffic, violation of the city's noise or other performance standards, excessive late or early hours of operation, or other activities that are incompatible with adjacent residential uses.
- (6) All signs shall comply with the EC 9.6650 Residential Sign Standards.
- (7) The model home use shall be discontinued when all the homes in the subdivision or manufactured home park have been sold.

*(Section 9.5450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

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**Multiple-Family Standards.**

- (1) **Purpose of Multiple-Family Standards.** The purpose of these development standards is to:
- (a) Ensure that new multiple-family development enhances the character and livability of Eugene's neighborhoods;
  - (b) Ensure that the increased density that results from such development makes a positive contribution to the areas in which they are built;
  - (c) Encourage crime prevention through environmental design, decrease the opportunity for crime, and increase user perception of safety;
  - (d) Promote multiple-family developments having maximum economic life and stability;
  - (e) Provide an adequate supply and range of housing types and prices that will meet the city's future population growth;
  - (f) Promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building frontages and yards to public streets and adjacent properties;
  - (g) Ensure that design of multiple-family developments provides for a sensitive transition to nearby, less-intensive development;
  - (h) Provide a physical environment that contributes to and enhances the quality of life;
  - (i) Provide amenities that make a multiple-family development a fully functional residential community.
- (2) **Applicability of Multiple-Family Standards.**
- (a) Except for building alterations and building additions that increase the square footage of liveable floor area by less than 50%, multiple-family standards shall apply to all multiple family developments in all zones except commercial. In cases where the standards apply, they shall be considered applicable for the portion of the development site impacted by the proposed development.
  - (b) Multiple family standards shall also apply to multiple family developments in commercial zones unless the entire ground floor, with the exception of areas for lobbies, stairs, elevators and bicycle storage for residents, is in non-residential use. Additional ground floor use standards in Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments also apply.
  - (c) Notwithstanding subsections (a) and (b) above, multiple-family standards do not apply to multiple family developments in commercial zones within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map.
- (3) **Building Height.** The maximum building heights allowed are those permitted according to the applicable base zone.
- (4) **Minimum and Maximum Building Setbacks.**
- (a) **Required Setbacks.** The required building setbacks are those required in the applicable base zone.
  - (b) **Street Frontage.** On development sites that will result in 100 feet or more of public or private street frontage, at least 60 percent of the site frontage abutting the street (including required yards) shall be occupied by a building(s) or enhanced pedestrian space with no more than 20

percent of the 60 percent in enhanced pedestrian space, placed within 10 feet of the minimum front yard setback line. **(See Figure 9.5500(4)(b) Multiple-Family Minimum Building Setback Along Streets.)** 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.

- (c) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(2) Setback Standards Adjustment.

**(5) Building Orientation and Entrances.**

- (a) Building Orientation. Multiple-family residential buildings located within 40 feet of a front lot line shall have their primary orientation toward the street.
- (b) Ground Floor Building Entrances. The main entrance(s) of ground floor units of any residential building located within 40 feet of a street must face the front lot line. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions shall apply:
  - 1. On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.
  - 2. For buildings that have more than 1 entrance serving multiple units, only 1 entrance must meet this requirement.
  - 3. For buildings proposed to be "side oriented" to public streets due to access requirements and/or dimensional constraints not created by the applicant, main entries may face up to 90 degrees away from the street provided both of the following apply:
    - a. They are visible from the street.
    - b. The building side facing the street shall not include windows or views into a parking area or garage and shall contain windows that occupy a minimum of 15% of the facade.
- (c) Upper Story Building Entrances. The main entrance of upper story units shall be provided from the interior of the building or from an exterior walkway that serves no more than 2 units. Stairways to upper floors shall be adequately lighted and protected from the elements. Access to upper-story units may be provided at the front, side or rear of a building.
- (d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(4) Building Orientation and Entrance Standards Adjustment.

**(6) Building Mass and Facade.**

- (a) Maximum Building Dimension. Neither the maximum length nor width of any building within 40 feet of a front lot line can exceed 100 feet in the R-1 and R-2 zones and 150 feet in all other zones.
- (b) Windows. Street facades shall contain windows covering a minimum of



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- 15% of the facade on each floor level.
- (c) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on criteria of EC 9.8030(8)(a).
- (7) Building Articulation.**
- (a) Articulation Requirement. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements.
1. Horizontal Surface. At least 2 of the design features outlined above shall be incorporated along the horizontal face (side to side) of the structure, to be repeated at intervals of no more than 40 feet.
  2. Vertical Surface. At least 2 of the design features outlined above shall be incorporated along the vertical face (top to bottom) of the structure, to be repeated at intervals of no more than 25 feet.
- (b) When offsets and projections are used to fulfill articulation requirements, the offset or projection shall vary from other wall surfaces by a minimum of 2 feet. Such changes in plane shall have a minimum width of 6 feet.
- (c) Individual and common entry ways shall be articulated by roofs, awnings, or porticos.
- (d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on criteria of EC 9.8030(8)(b).
- (8) Site Landscaping.**
- (a) Minimum Landscape Area. Landscaping is required according to the applicable base zone minimum landscape area standards. If there are none specified, the minimum landscape area shall be equal to the amount of area required as open space specified in EC 9.5500(9).
1. Any required landscaping, such as for required front and interior yard setbacks and to comply with parking landscape standards, shall apply toward the development site area landscaping requirements.
  2. Common open space areas required under EC 9.5500(9) Open Space also apply toward meeting the minimum landscaped area requirements of this section, if they are uncovered.
  3. Any portion of a private, ground level open space area exceeding one hundred square feet shall be counted toward the minimum landscape area requirement.
- (b) Compliance with Landscape Standards. Except as may be otherwise provided in this subsection (8), all required landscaping shall comply with the standards beginning at EC 9.6200 Purpose of Landscape Standards. In the event of a conflict between the standards beginning at EC 9.6200 and this subsection, the standards in this subsection shall control.
- (c) Landscape Requirements. Site landscaping shall conform to the following:
1. Required Landscaping in Yards Abutting Streets. Landscaping shall be installed and maintained in yards abutting streets that complies, at a minimum, with the standards in EC 9.6210(1) Basic Landscape Standard (L-1). The required landscaping shall be

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- placed within the required front yard setback area and may be pierced by pedestrian and vehicular access ways.
2. **Private Open Space Screening.** Where provided, ground-level private open space required under EC 9.5500(9) Open Space (b) Private Open Space shall be physically and visually separated from common open space through the use of perimeter landscaping and/or fencing. If landscaping is used, such landscaping shall apply toward the minimum landscape requirement.
  3. **Street Trees.** Street trees are required along the frontage of all developments abutting newly created public or private streets in accordance with provisions of Chapter 7 of this code regarding the Street Tree Program - Policies, Standards, and Procedures.
- (d) **Criteria for Adjustment.** Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(3) Landscape Standards Adjustment.
- (9) **Open Space.** Open space that complies with Table 9.5500(9) and the standards in this subsection (9) shall be provided unless exempt under other provisions of this land use code. Required open space may be provided as common open space, or as a combination of common and private open spaces.

<b>Table 9.5500(9) Open Space Requirements</b>									
Minimum Area Combined Common and Private Open Space The greater area determined by the following percentages for the zone must be provided on the development site.									
Zone	R-1	R-2	R-3	R-4	C-1	C-2	C-3	GO	All Other Zones
Percent of the Development Site	20%	20%	20%	20%	20%	20%	N/A	20%	20%
Percent of Livable Floor Area	25%	25%	15%	15%	25%	15%	N/A	15%	15%
<b>Minimum Density for Exemption from Open Space Requirements by Zone</b>									
Zone	R-1	R-2	R-3	R-4	C-1	C-2	C-3	GO	All Other Zones
Dwelling Units Per Net Acre	N/A	N/A	N/A	N/A	23	45	N/A	45	45

- (a) **Common Open Space.** All development sites shall contain a minimum of 400 square feet of common open space. A minimum of 20-percent of the total provided common open space shall be living plant material.
1. Common open space may include any of the following:
    - a. Outdoor areas incorporating:
      - (1) Lawn or hard surfaced areas to be used for active or passive recreation in which user amenities such as trees, shrubs, planters, pathways, tables, benches or drinking fountains have been placed.
      - (2) Ornamental or food gardens.

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- (3) Developed and equipped adult recreation areas.
  - (4) Developed and equipped children's play areas.
  - (5) Sports courts (tennis, handball, volleyball, etc.).
  - (6) Swimming pools, spas and adjacent patios and decks.
  - (7) Roof terraces.
  - (8) Picnic areas.
  - (9) Patios.
  - (10) Porches with floors no more than 30 inches above grade.
  - (11) Internal courtyards.
  - b. Common open space may also include up to 30% of the required area in natural resource areas, such as steep slopes greater than 25%, forested areas, conservation areas and delineated wetlands.
  - c. Up to 30% of common open space may be located in indoor recreation areas fitted with game equipment, work-out equipment, court sports facilities, swimming pools, plant greenhouse, wood shop, or other designated project or game equipment, if the facility conforms to the following standards:
    - (1) The minimum area of any single space shall be 225 square feet, with no dimension being less than 15 feet.
    - (2) Interior common open space shall be at least 10 feet in floor to ceiling height; glazed window and/or skylight areas shall be provided in the proportion of 1 square foot for each 4 square feet of the floor area of the common space.
    - (3) The space shall be accessible from a common lobby, courtyard or exterior common open space.
2. Outdoor common open space shall comply with all of the following:
- a. The minimum area for any single outdoor common open space shall be 225 square feet.
  - b. At least one area of outdoor common open space shall be a minimum of 15 feet by 15 feet.
  - c. The minimum dimensions for any portion of outdoor common open space in the front yard setback shall be at least 15 feet by 15 feet. The minimum dimensions for any other portion of outdoor common open space shall be at least 10 feet by 10 feet.
  - d. For development in the area identified in Map 9.5500(9)(a)2.d. University Area R-3 and R-4 Zoning, common outdoor open space must abut a front lot line for a minimum length of 20 percent of the total lot frontage. For lots with frontage on more than one street, this standard only applies along one street frontage.
  - e. Required setback areas and areas required to comply with perimeter parking lot landscape standards may be applied toward the minimum open space requirements when the minimum dimensions of such space meets the standards

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above in (a)-(c).

- f. Outdoor common open spaces shall not be used as parking areas.

**(See Figure 9.5500(9)(a)2.)**

- (b) **Private Open Space.** Private open space is outdoor space directly adjacent to a dwelling unit providing an outdoor area for private use by the occupants of the dwelling unit. Private open space, where provided, shall meet the minimum standards in the following Table 9.5500(9)(b).

<b>Location</b>	<b>Minimum Area</b>	<b>Minimum Dimension</b>
Ground Level	100 square feet	10 feet
Balcony	20 square feet	4 feet
Roof Terrace	100 square feet	8 feet

- 1. Balconies located within 20 feet of property zoned R-1 shall not be counted as private open space.
- 2. To be counted toward the minimum required, private open space may be covered, but cannot be enclosed. Private open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has more than three sides taller than 42 inches in height.
- 3. Ground level private open space shall be screened or buffered from adjacent private open space and dwellings by landscape, fencing or partitions. Such screening or buffering shall be a minimum of 30 inches in height.
- 4. Ground level private open space shall be physically separated from common outdoor open space by fencing or landscaping meeting the EC 9.6210(2) Low Screen Landscape Standard (L-2).
- (c) **Open Space Credit.** An open space credit, not to exceed 25 percent of the total open space requirement, may be applied toward compliance with that requirement, for developments that are located within one-quarter mile of a public park as measured along the route of the shortest existing public way or private street.
- (d) **Criteria for Adjustment.** Except for the amount of open space required per Table 9.5500(9), Open Space Requirements, adjustments to the standards in this subsection may be made. Adjustments shall be based on the criteria of EC 9.8030(8)(c).

**(10) Block Requirements.**

- (a) **Block Structure.** Multiple-family developments 8 or more acres in size shall be developed as a series of complete blocks bounded by public or private streets. Natural areas, waterways, high voltage power lines, and other similar substantial physical features may form up to 2 sides of a block. The maximum block size within a multiple-family development shall be no greater than 4 acres in size. **(See Figure 9.5500(10) Multiple-Family Block Requirements.)**
- (b) **Criteria for Adjustment.** Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(8)(d).

**(11) Site Access and Internal Circulation.**

- (a) **Streets.** Street standards and connectivity requirements for local

residential streets shall be applied to public and private streets within multiple-family developments. (Refer to EC 9.6815 Connectivity for Streets.) **(See Figure 9.5500(12) Multiple-Family Parking.)**

- (b) Driveways. Driveways and parking drives are private roadways for projects or portions of projects not served by streets. Driveways and parking drives shall be designed in accordance with the following standards:
1. Driveways. Driveways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Driveways are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets. **(See Figure 9.5500(11)(b) Multiple-Family Driveways)**. The following standards apply:
    - a. Two-way driveways shall be a minimum width of 20 feet, one-way driveways shall be a minimum width of 12 feet.
    - b. The maximum driveway width is 28 feet.
  2. Parking Drives. Parking drives are driveways lined with head-in parking spaces, diagonal parking spaces, garages, or any combination thereof along a significant portion of their length. Parking drives for multiple-family developments with more than 20 units shall be designed so as to permit no through-motor vehicle movements. **(See Figure 9.5500(12) Multiple-Family Parking.)**
- (c) Alley Access. Development sites with alley access, either at the rear yard or along the side yard, shall use the alley to provide access to the development site if either:
1. The alley right-of-way width is 20 feet for the length of the alley between the development site and the street; or
  2. The development site's only street frontage is on an arterial or collector street.
- In the instances described in 1. or 2., no direct access to the street, other than by the alley, shall be permitted. **(See Figure 9.5500(11)(b) Multiple-Family Driveways.)** In other instances, alley access is optional.
- (d) Setback Sidewalks. Setback sidewalks shall be required along any public or private street adjacent to or within the development site.
- (e) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(8)(e).

**(12) Vehicle Parking.**

- (a) Parking Element Types. The city shall allow on-site parking to be provided as part of any multiple-family development project in the form of garages (private or common), carports, open parking areas. All parking, except common garages, shall be designed as parking courts according to EC 9.5500(12)(b) Parking Courts.
- (b) Parking Courts.
1. Maximum Size of Parking Courts. Individual parking courts shall be no more than 9,000 square feet in size and shall be physically and visually separated by a landscape area a minimum of 20 feet in width. No more than 3 individual parking courts may be connected by an aisle or driveway. **(See Figure 9.5500(12) Multiple-Family Parking and Multiple-Family Parking)**

**Continued.)**

2. Parking Court Width. A parking court of any length shall consist of no more than one 1 double-loaded parking aisle.
  3. Parking Court Separation. Planting islands shall be placed between parking courts to visually interrupt rows of parked vehicles and to separate individual parking courts. Planting islands between parking courts shall have a minimum width of 20 feet and a minimum area of 360 square feet. Each of these islands shall provide at least 1 canopy shade tree having a clear trunk height of at least 9 feet. Architectural elements such as trellises, porches, and stairways may extend into planting islands between parking courts. Other parking area landscape standards in EC 9.6420 Parking Area Standards also apply. **(See Figure 9.5500(12)(b) Multiple-Family Parking Courts)**
- (c) Limitation on Parking Frontage. To strengthen the presence of buildings on the street, parking and vehicle use areas and garages adjacent to any public or private street frontage shall extend across no more than 50 percent of any street frontage. No parking spaces, with the exception of underground parking, shall be placed within any required front yard area. Parking areas shall not be located between buildings and the street. A single-story street level parking garage may not occupy the street frontage of a multiple-family development, except for parking garage driveways.
- (d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(8)(f).
- (13) On-Site Pedestrian Circulation**. Multiple-family developments shall provide safe on-site pedestrian circulation according to EC 9.6730 Pedestrian Circulation On-site.
- (14) Recycling and Garbage Areas**. Multiple-family developments shall provide recycling facilities that meet EC 9.5650 Recycling - Small Collection Facility Standards, and screening for outdoor storage areas and garbage collection areas according to EC 9.6740 Recycling and Garbage Screening.

*(Section 9.5500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; amended by Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012.)*

**9.5600 Recreational Vehicle Parks Standards**. The following development standards apply to recreational vehicle parks:

- (1) Front yard screening shall consist of an area 10 feet wide, with landscaping according to EC 9.6210(2) Low Screen Landscape Standard (L-2).
- (2) Maximum stay: 90 consecutive nights.
- (3) Minimum staff: 1 resident manager.

*(Section 9.5600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.5650 Recycling-Small Collection Facility Standards**. A small collection recycling facility may provide source separated collection of recyclable materials more particularly described in Chapter 3 of this code and adopted administrative rules, subject to the following standards:

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- (1) **Collection Containers:** Collection containers shall be in compliance with the requirements for size, color and type in administrative rules adopted under Chapter 3 of this code. If containers provide an opening to the elements of greater than 2 square feet they must be situated under a covered structure and enclosed on 3 sides in order to protect users from the elements, minimize blowing debris, and meet requirements of the State Structural Specialty Code.
- (2) **Sites:** Shall be kept neat and clean.
- (3) **Signage:** Appropriate signage shall be placed at the site that conform to regulations in this land use code. Signs shall include the name and telephone number of the party responsible for collection at the site, preparation standards for materials collected at the site, and scheduled collection times.
- (4) **Traffic Circulation and Vision Clearance:** The collection center's location, donated materials storage, or any other activities associated with the use shall not impede traffic circulation and vision clearance.
- (5) **Public Right-of-Way:** Collection centers shall not be located in the public right-of-way.

*(Section 9.5650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.5750 Telecommunication Devices-Siting Requirements and Procedures.**

- (1) **Purpose.** The provisions of this section are intended to ensure that telecommunication facilities are located, installed, maintained and removed in a manner that:
  - (a) Minimizes the number of transmission towers throughout the community;
  - (b) Encourages the collocation of telecommunication facilities;
  - (c) Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers;
  - (d) Recognizes the need of telecommunication providers to build out their systems over time; and
  - (e) Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption. Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals.
- (2) **Siting Restricted.** No telecommunication facility, as defined in this land use code, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility shall be either an outright permitted use, subject to site review procedures, or require a conditional use permit.
  - (a) Outright Permitted Uses. No land use permit is required for a telecommunication facility which, pursuant to subsections (3) through (5) of this section, is an outright permitted use. Such a telecommunication facility shall require only a development permit or permits.
  - (b) Site Review. A telecommunication facility which, pursuant to subsections (3) through (5) of this section, is subject to site review shall be processed in accordance with the site review procedures of this land use code. The criteria contained in this section, as well as the criteria contained in EC 9.8440 Site Review Approval Criteria - General, shall

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- govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No development permit shall be issued prior to completion of the site review process, including any local appeal.
- (c) **Conditional Use Permit.** A telecommunication facility which, pursuant to subsections (4) or (5) of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures of this land use code, except that the variance provisions shall not apply. The criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria - General and subsections (6) and (7) of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in subsections (6) and (7) of this section shall govern. No development permit shall be issued prior to completion of the conditional use permit process, including any local appeal.
- (3) Collocation of Additional Antennas on Existing Transmission Tower.**
- (a) **Permitted Use.** Collocation of an additional antenna on an existing transmission tower shall be considered an outright permitted use if property is zoned GO, PL, S, C-2, C-3, E-1, E-2, I-2, or I-3 or if the transmission tower is in any other zone and the city specifically approved, as part of a prior land use process authorizing the transmission tower, collocation of additional antennas.
- (b) **Site Review.** Collocation of an additional antenna on an existing transmission tower shall be subject to site review approval if property is zoned AG, R-1, C-1 or PRO and approval for collocation was not granted through a prior land use process.
- (4) Collocation of Antennas on Existing Buildings, Light or Utility Poles, and Water Towers.** In addition to collocation on a transmission tower, an antenna may be collocated on existing buildings, light or utility poles, and water towers.
- (a) **Permitted Use.** Such collocation on a building, light or utility pole, or water tower, shall be considered an outright permitted use provided that the antennas and ancillary facilities comply with the standards contained in EC 9.5750 Telecommunications Devices-Siting Requirements and Procedures, the color of the antennas blends in with the existing structure and surroundings, and one of the following is met:
1. The property is zoned PL, C-2, C-3, R-4, E-1, E-2, I-2, I-3, or S-WS and the antennas do not exceed the height limitation of the zone; or
  2. The property is zoned AG, R-1, R-2, R-3, C-1, GO, S (except as provided in 1., above), H, or PRO, and the antennas extend no more than 18 feet above, and project no more than 2 feet horizontally away from the existing structure.
- (b) **Site Review.** Such collocation on a building, light or utility pole, or water tower shall be subject to site review approval provided that the antennas and ancillary facilities comply with the standards contained in EC 9.5750 Telecommunications Devices-Siting Requirements and Procedures, the color of the antennas blend in with the existing structure and surroundings, and:
1. The property is zoned AG, R-1, R-2, R-3, C-1, GO, S (other than



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S-WS), H, or PRO, and the antennas extend more than 18 feet above, or project more than 2 feet horizontally away from the existing structure.

- (c) **Conditional Use Permit.** In all cases other than those listed in subparagraphs (a) and (b), such collocation shall require a conditional use permit. No exceptions to the standards contained in EC 9.5750 Telecommunications Devices-Siting Requirements and Procedures shall be permitted except as authorized by subsection (9) of this section. In no event shall a conditional use permit authorize a tower or antennas to exceed the height limitation for a zone as established by Chapter 9 except as provided for in this section.
- (5) Construction of Transmission Tower.** Construction of a transmission tower, or a modification of an existing transmission tower to increase its height, shall be allowed as follows:
- (a) **Permitted Use.**
    - 1. Such construction or modification shall be considered an outright permitted use in the E-1, E-2, I-2 and I-3 zone.
    - 2. Modification to increase the height of an existing transmission tower shall be considered an outright permitted use in all other zones if the city approved an increase in tower height, as part of a prior land use process authorizing the transmission tower. The increase in height allowed under this paragraph shall be limited to the specific height authorized in the prior land use process.
  - (b) **Site Review.** Such construction shall require site review approval in the PL, C-2, C-3, and S-WS zones.
  - (c) **Conditional Use Permit.** Such construction shall require a conditional use permit in the R-1, C-1, S (other than S-WS) and GO zones.
  - (d) **Prohibited Zones and Locations.** No new transmission tower shall be permitted in any zones not included in subparagraphs (a) to (c) above, including the AG, R-2, R-3, R-4, H, NR, and PRO zones; or in the Willamette Greenway, on Gillespie Butte above the elevation of 450 feet, on the ridgeline as defined in the South Hills Study or on Judkins Point.
- (6) Application Requirements.**
- (a) **Collocation of Antennas.** In addition to standard required application material, an applicant for collocation of antennas shall submit the following information; additional application material is required, as specified in paragraph (c) below, for applications requiring a site review or conditional use process.
    - 1. A description of the proposed antennas location, design and height.
    - 2. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are co-locating on or in structures directly across from or adjacent to the antennas.
    - 3. A statement documenting that placement of the antenna is designed to allow future collocation of additional antennas if technologically possible.

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4. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in subsection (7)(f) of this section, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
  5. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
  6. Documents demonstrating that necessary easements have been obtained.
  7. Plans showing how vehicle access will be provided.
  8. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes.
  9. If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
  10. Documents demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.
- (b) Construction of Transmission Tower. In addition to standard required application material, an applicant for a transmission tower shall submit the following information; additional application material is required, as specified in paragraph (c) below, for applications requiring a site review or conditional use process:
1. A description of the proposed tower location, design and height.
  2. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
  3. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC).
  4. A signed agreement, as supplied by the city, stating that the applicant will allow collocation with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
  5. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in subsection (7) of this section, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.

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6. A landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
  7. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
  8. Documents demonstrating that necessary easements have been obtained;
  9. Plans showing how vehicle access will be provided;
  10. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with development permit and land use processes;
  11. Documents demonstrating that the FAA has reviewed and approved the proposal, and Oregon Department of Aviation has reviewed the proposal. Alternatively, when a site review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Department of Aviation. The site review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No development permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Department of Aviation review.
- (c) Site Review and Conditional Use Permit Applications. In addition to the application requirements specified in paragraph (b) above, applications for site review or conditional use permits also shall include the following information:
1. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least 5 points within a 3 mile radius. Such points shall be chosen by the provider with review and approval by the planning director to ensure that various potential views are represented.
  2. Documentation that alternative sites within a radius of at least 2000 feet have been considered and have been determined to be technologically unfeasible or unavailable. For site reviews, alternative sites zoned E-1, E-2, I-2, and I-3 must be considered. For conditional use permits, alternative sites zoned PL, C-2, C-3, E-1, E-2, I-2, I-3 and S-WS must be considered.
  3. Evidence demonstrating collocation is impractical on existing tall buildings, light or utility poles, water towers, existing transmission towers, and existing tower facility sites for reasons of structural support capabilities, safety, available space, or failing to meet service coverage area needs.
  4. A current overall system plan for the city, showing facilities presently constructed or approved and future expansion plans.
  5. A statement providing the reasons for the location, design and height of the proposed tower or antennas.

- (7) **Standards for Transmission Towers and Antennas.** Installation, construction or modification of all transmission towers and antennas shall comply with the following standards, unless a variance is obtained pursuant to the provisions of subsection (9) of this section:
- (a) Separation Between Transmission Towers. No transmission tower may be constructed within 2000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower which is closest to the base of any pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to February 26, 1997 may be modified to accommodate additional providers consistent with provisions for collocation in this section.
  - (b) Height Limitation: Transmission tower heights shall be governed by this section except as provided for below. No transmission tower shall exceed the maximum heights provided below. In no case shall a variance be granted from the limitations of subparagraphs (1) through (4) below.
    - 1. In any zones, no transmission tower shall exceed the height limitations established for buildings and structures in the specified areas surrounding Skinner Butte contained in EC 9.6715 Height Limitation Areas of this land use code to protect views to and from Skinner Butte.
    - 2. In any zone within the area east of Willagillespie Road, south of Cal Young Road, west of Oakway Road, and north of Southwood Lane and Country Club Road, no transmission tower shall exceed 75 feet in height to protect views to and from Gillespie Butte.
    - 3. If located within a PL, C-2, C-3, R-4, E-1, E-2, I-2, I-3 or S-WS zone, the height limitation for that zone shall apply.
    - 4. If located within a C-1, S (other than S-WS) or GO zone, the maximum height of a transmission tower, including antennas, is 100 feet.
    - 5. If located within an R-1 zone, the maximum height of a transmission tower, including antennas, is 75 feet, unless a variance is granted pursuant to the provisions of subsection (9) of this section. In no event shall a variance be granted to construct such a tower in excess of 100 feet.
  - (c) Collocation. New transmission towers shall be designed to accommodate collocation of additional providers:
    - 1. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of 2 additional providers either outright or through future modification to the tower.
    - 2. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of 1 additional provider either outright or through future modification to the tower.
  - (d) Setback. The following setbacks from adjacent property lines and adjacent streets shall be required unless a variance is granted pursuant

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to the provisions of subsection (9) of this section:

1. If located within a PL, S, C-2, C-3, E-1, E-2, I-2, I-3 or S-WS zone, no setback from adjacent property lines shall be required beyond that required by this land use code or the provisions applicable to the S zone.
  2. If located within an R-1, C-1, or GO zone, the transmission tower shall be set back from adjacent property lines a minimum number of feet that is equal to the height of the transmission tower.
  3. In the R-1, PL, C-1 and GO zones, transmission towers shall be set back from adjacent public street(s) a minimum number of feet that is equal to the height of the tower. In all other zones, the setback from adjacent public streets shall be a minimum of 25 feet.
- (e) Buffering. In all zones, existing vegetation shall be preserved to the maximum extent possible. In the E-1, E-2, I-2 and I-3 zones, no buffering is required beyond that required by this land use code. In all other zones, landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of 6 feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
- (f) Noise Reduction. In R-1, R-2, R-3, R-4, C-1, and GO and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBa.
- (g) Status of Location. No permit may be issued for the location of a new telecommunications facility within an R-1 or C-1 zone unless the lot on which it is to be placed is vacant or developed with a non-residential use at the time the permit application is submitted. This restriction does not apply within other zones.
- (h) Lighting. No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. No high intensity white lights may be located on transmission towers in an R-1, C-1, or PRO zone.
- (i) Color. The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the city.
- (j) Viewshed. The transmission tower shall be located down slope from the top of a ridgeline so that when viewed from any point along the northern right-of-way line of 18th Avenue, the tower does not interrupt the profile of the ridgeline or Spencer Butte. In addition, a transmission tower shall not interrupt the profile of Spencer Butte when viewed from any location in Amazon Park. Visual impacts to prominent views of Skinner Butte, Judkins Point, and Gillespie Butte shall be minimized to the greatest extent possible. Approval for location of a transmission tower in a prominent view of these Buttes shall be given only if location of the

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- transmission tower on an alternative site is not possible as documented by application materials submitted by the applicant, and the transmission tower is limited in height to the minimum height necessary to provide the approximate coverage the tower is intended to provide.
- (k) **Display.** No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than 3 square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than 2.
- (8) Standards for Ancillary Facilities.** All ancillary facilities shall comply with the standards of subsections (7)(e) and (7)(f) of this section. In addition, all ancillary facilities within an R-1, PL, C-1, GO, and PRO zone must be located underground to the maximum extent technology allows, unless a variance is obtained pursuant to the provisions of subsection (9) of this section. This restriction does not apply within other zones.
- (9) Variance.**
- (a) Any variance to the requirements of this section shall be granted only pursuant to the following provisions. The criteria for granting a variance shall be limited to this section, and shall not include the standard variance criteria beginning at EC 9.8750 Purpose of Variances.
- (b) The city may grant a variance from the provisions of subsection (7)(a) of this section providing the applicant demonstrates that:
1. It is technologically impossible to locate the proposed tower on available sites more than 2,000 feet from a pre-existing transmission tower and still provide the approximate coverage the tower is intended to provide;
  2. The pre-existing transmission tower that is within 2,000 feet of the proposed tower cannot be modified to accommodate another provider; and
  3. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.
- (c) The city may grant a variance to the setback and undergrounding requirements of subsections (7)(d) or (8) upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.
- (d) The city may grant a variance to the 75 foot height limitation in the R-1 zone to a maximum of 100 feet providing the applicant demonstrates that a transmission tower taller than 75 feet will directly eliminate the need for 1 or more additional transmission towers in an R-1 zone.
- (e) If the proposed transmission tower or ancillary facility requires site review or a conditional use permit, the request for variance shall be considered as part of the site review or conditional use permit process. If the proposed transmission tower or ancillary facility is an outright permitted use, the request for a variance shall be processed pursuant to Type II application procedures beginning at EC 9.7200 General Overview of Type II Application Procedures except that the decision shall be based on the criteria in this section.
- (10) Removal of Facilities.**
- (a) All transmission towers and antennas shall be removed by the person

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who constructed the facility, by the person who operates the facility, or by the property owner, within 6 months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The city manager may grant a 6-month extension where a written request has been filed, within the initial 6-month period, to reuse the tower or antennas.

- (b) If a transmission tower is located within an R-1, PL, C-1 or GO zone, the provisions of subparagraph (a) also shall apply to the tower substructure and all above ground ancillary facilities.
- (c) The city may require the posting of an open ended bond before development permit issuance to insure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

- (11) Application Review and Fees.** The city manager shall retain one or more consultants to verify the accuracy of statements made in connection with an application for a building or land use permit for a telecommunications facility. Notwithstanding any other provision of this code, the city manager shall require the applicant to pay, as part of the application fees, an amount sufficient to recover all of the city's costs in retaining the consultant(s).

*(Section 9.5750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20332, enacted December 10, 2004, effective January 9, 2005; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.5800 Temporary Activity Special Development Standards.**

- (1) Purpose.** The provisions of this section establish standards for temporary activities and uses that can be terminated and removed immediately. Temporary uses have no inherent rights within the base zone in which they are located.
- (2) Applicability.** Prior to initiation of any temporary use, the operator shall ensure that the standards in this section are met.
- (3) Description.** Temporary activities are short term or seasonal activities and do not require permanent site improvements. Temporary activities include temporary uses that:
  - (a) Are allowed by the zone but do not meet the normal development standards. Examples include, but are not limited to, Christmas tree sales or parking lot sales in a commercial zone.
  - (b) If permanent, would not be allowed by the base zone. An example is a church carnival in a residential zone. Temporary activities include, but are not limited to:
    - a. Construction yard, staging area.
    - b. Construction trailer.
    - c. Leasing office.
    - d. Garage sale.
    - e. Carnival and fair.
    - f. Parking lot sale.
    - g. Seasonal sale such as Christmas tree sale.
    - h. Firework sale.
    - i. Plant and produce stand.
- (4) General Standards.** All temporary activities are subject to the applicable

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standards listed below:

- (a) Permanent changes to the development site to specifically accommodate the temporary activity are prohibited.
- (b) Temporary parking areas for use during the construction of a building are allowed on the development site only during the period of construction. They must be removed within 1 month of issuance of a certificate of occupancy for the building. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development was approved for the location by the city.
- (c) All signs associated with the temporary activity must be located on the site of the temporary activity, may not be placed in the public right of way or vision clearance area, and must be removed when the activity ends.
- (d) Temporary activities on development sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.
- (e) Notwithstanding any other provisions of this land use code, temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.
- (f) These regulations do not exempt the operator of any temporary activity from any other required permits such as, but not limited to, sanitation facility permits or electrical permits.
- (g) A temporary construction trailer is allowed on a construction site if a development permit application for a permanent structure on the development site is submitted to the city within 90 days of siting the temporary construction trailer. A temporary construction trailer may remain on the development site until the construction is completed.

**(5) Zone Category and Duration.**

- (a) In addition to the standards in subsection (4) of this section, the standards for temporary activities in areas with a broad zone category of agricultural, residential or S-H Historic zone (See Table 9.1030 Zones) are as follows:
  - 1. Sales.
    - a. Garage Sales. Garage sales and other sales for items from the development site may occur for no more than 3 consecutive days on 3 different occasions during a calendar year.
    - b. Seasonal outdoor sales. Seasonal outdoor sales of plants and produce grown on the development site are allowed up to 2 consecutive weeks on 3 different occasions during a calendar year.
  - 2. Fairs, Carnivals and Other Major Public Gatherings. Fairs, carnivals, and other major public gatherings are allowed for up to 9 consecutive days at a development site zoned education, entertainment, government, recreation, or religious services. Three events are allowed per calendar year.
- (b) The standards for temporary activities in areas in the broad zone category of commercial, employment and industrial, or special (except



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S-H zones) are as follows:

1. Parking Lot Sales. Parking lot sales in zones where outdoor merchandise display is not otherwise permitted are allowed for up to 2 consecutive weeks on 3 different occasions during a calendar year.
  2. Fairs and Carnivals. Fairs and carnivals are allowed for up to 2 consecutive weeks on 3 different occasions during a calendar year.
- (c) The regulations for the zone category of government and education and park and open space (excluding the NR natural resource zone) are as follows:
1. Fairs, Carnivals and Other Special Events. Fairs, carnivals and other special events are allowed by right in the PL Public Land zone.

*(Section 9.5800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.5850 Wildlife Care Center Standards.**

- (1) Commercial activities are not allowed. Breeding or raising wildlife for sale or trade, or the sale or trade of animal products is not permitted.
- (2) All wildlife that are being cared for must be kept indoors or within an area that is bounded by a site-obscuring fence. Enclosures shall be designed and constructed in a manner that is sturdy enough to prevent escape and access to their interiors by unauthorized persons.
- (3) Proper sanitation shall be maintained at all times. Proper sanitation includes:
  - (a) Not allowing wildlife waste to adversely affect the health of the wildlife itself, property residents, or neighbors.
  - (b) Taking necessary steps to ensure odors are not detectable beyond property lines.
  - (c) Storing all wildlife food in rodent and pest resistant containers.
- (4) The center shall not be designed or used for exotic or domestic animals.
- (5) Bears, wolves and cougars are prohibited, along with any other carnivores over 80 pounds in weight.
- (6) At least 1 person licensed by the state of Oregon as a wildlife rehabilitator or conducting wildlife rehabilitation under the supervision of a licensed rehabilitator must occupy the property.
- (7) If the property is changed in zone and wildlife care centers are not a permitted use, the use must be discontinued within 2 years.
- (8) Wildlife restored to a condition whereby it can be released and survive under natural conditions shall be removed from the property after a reasonable amount of time. Wildlife that cannot be expected to survive under natural conditions may be retained for off-site wildlife education, or to assist in the rehabilitation of other animals, provided required state and federal licenses and permits are obtained.
- (9) Also see Animal Regulations in EC Chapter 4 and Nuisance regulations in EC Chapter 6.

*(Section 9.5850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

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## **General Standards for All Development**

### **General**

**9.6000** **Purpose and Applicability.** Unless otherwise provided in sections 9.6000 through 9.6870 of this land use code, those sections describe the general standards that apply to the entire development site at the time of any development. When an area is zoned S Special Area, as indicated on the Eugene Zoning Map, the general development standards set forth in this land use code shall govern, except when they conflict with the special standards applicable specifically in the special area zone. In cases of conflict, the standards specifically applicable in the special area zone shall control.

*(Section 9.6000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20266, enacted November 12, 2002, effective December 12, 2002.)*

**9.6010** **Applications Proposing Needed Housing.**

- (1)** As used in EC chapter 9.6000, the term “applications proposing needed housing” includes:
  - (a) Applications that are proceeding (or have proceeded) under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520; or
  - (b) Applications for development permits for uses permitted outright in the subject zone if the applicant has demonstrated that the proposed housing is needed housing as defined by state statutes.
- (2)** The term does not include an application that could have proceeded under EC 9.8100, 9.8220, 9.8325, 9.8445, or 9.8520, but the applicant elected to proceed under the discretionary approval process.

*(Section 9.6010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Bicycle Parking Standards

**9.6100** **Purpose of Bicycle Parking Standards.** Sections 9.6100 through 9.6110 set forth requirements for off-street bicycle parking areas based on the use and location of the property. Bicycle parking standards are intended to provide safe, convenient, and attractive areas for the circulation and parking of bicycles that encourage the use of alternative modes of transportation. Long-term bicycle parking space requirements are intended to accommodate employees, students, residents, commuters, and other persons who expect to leave their bicycle parked for more than 2 hours. Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately 2 hours. (Section 9.6100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6105** **Bicycle Parking Standards.**

- (1) **Exemptions from Bicycle Parking Standards.** The following are exempt from the bicycle parking standards of this section:
- (a) Site improvements that do not include bicycle parking improvements.
  - (b) Building alterations.
  - (c) Drive-through only establishments.
  - (d) Temporary activities as defined in EC 9.5800 Temporary Activity Special Development Standards.
  - (e) Bicycle parking at Autzen Stadium Complex (see EC 9.6105(6) Autzen Stadium Complex Bicycle Parking Standards).
- (2) **Bicycle Parking Space Standards.**
- (a) The minimum required number of bicycle parking spaces for each use category is listed in EC 9.6105(5) Minimum Required Bicycle Parking Spaces. A minimum of 4 bicycle parking spaces shall be provided at each development site, unless no spaces are required by Table 9.6105(5).
  - (b) Bicycle parking spaces required by this land use code shall comply with the following:
    1. Perpendicular or diagonal spaces shall be at least 6 feet long and 2 feet wide with an overhead clearance of at least 7 feet, and with a 5 foot access aisle. This minimum required width for a bicycle parking space may be reduced to 18" if designed using a hoop rack according to **Figure 9.6105(2) Bicycle Parking Standards**.
    2. Bicycles may be tipped vertically for storage, but not hung above the floor. Such vertical parking spaces shall be at least 2 feet wide, 4 feet deep, and no higher than 6 feet, and have a 5 foot access aisle.
    3. Except pie-shaped lockers, bicycle lockers shall be at least 6 feet long, 2 feet wide and 4 feet high, and have a 5 foot access aisle.
    4. Pie-shaped bicycle lockers shall be at least 6 feet long, 3 feet wide at the widest end, and 4 feet high, and have a 5 foot access aisle
  - (c) With the exception of individual bicycle lockers, enclosures or rooms, long term and short term bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking

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- device.
- (d) Areas devoted to required bicycle parking spaces shall be hard surfaced with concrete, compacted asphaltic concrete mix, pavers or an equivalent. All racks and lockers shall be securely anchored to such surface.
  - (e) Direct access from the bicycle parking area to the public right-of-way shall be provided with access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance.
- (3) Long Term Bicycle Parking Location and Security.**
- (a) Long term bicycle parking required in association with a commercial, employment and industrial, or institutional use shall be provided in a well-lighted, secure location, sheltered from precipitation and within a convenient distance of a main entrance. A secure location is defined as one in which the bicycle parking is:
    - 1. A bicycle locker,
    - 2. A lockable bicycle enclosure, or
    - 3. Provided within a lockable room with racks complying with space standards at EC 9.6105(2).
  - (b) Long term bicycle parking required in association with a multiple-family residential use shall be provided in a well-lighted, secure location sheltered from precipitation, and within a convenient distance of an entrance to the residential unit. A secure location is defined as one in which the bicycle parking is provided outside the residential unit within:
    - 1. A lockable garage;
    - 2. A lockable room serving multiple dwelling units with racks complying with space standards at EC 9.6105(2);
    - 3. A lockable room serving only one dwelling unit;
    - 4. A lockable bicycle enclosure; or
    - 5. A bicycle locker.
  - (c) Long term bicycle parking shall be provided at ground level unless a ramp no less than 2 feet in width or an elevator with a minimum depth or width of 6 feet is easily accessible to an approved bicycle parking area. If bicycle parking is provided on upper floors, the number of required spaces provided on each floor cannot exceed the number of spaces required for the use on that floor as per Table 9.6105(5).
- (4) Short Term Bicycle Parking Location and Security.**
- (a) Short term bicycle parking shall be provided:
    - 1. Outside a building;
    - 2. At the same grade as the sidewalk or at a location that can be reached by a bike-accessible route; and
    - 3. Within a convenient distance of, and clearly visible from the main entrance to the building as determined by the city, but it shall not be farther than the closest automobile parking space (except disabled parking).
  - (b) Short term bicycle parking may project into or be located within a public right-of-way, subject to the city's approval of a revocable permit under Chapter 7 of this code.
  - (c) Shelters for short term bicycle parking shall be provided in the amounts shown in Table 9.6105(4)(c) Required Sheltered Bicycle Parking Spaces.

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<b>Table 9.6105(4)(c) Required Sheltered Bicycle Parking Spaces</b>	
Short Term Bicycle Parking Requirement	Percentage of Sheltered Spaces
5 or fewer	No shelter required
6 to 10	100% of spaces sheltered
11 to 29	50% of spaces sheltered
30 or more	25% of spaces sheltered

- (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.

<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)	Type and % of Bicycle Parking
<b>Accessory Uses</b>		
All Uses in this category	-0-	NA
<b>Agricultural, Resource Production and Extraction</b>		
All Uses in this category	1 per each 600 square feet of floor area.	100% short term
<b>Eating and Drinking Establishments</b>		
All Uses in this category	1 per each 600 square feet of floor area.	25% long term 75% short term
<b>Education, Cultural, Religious, Social and Fraternal</b>		
Artist Gallery/Studio	1 per each 500 square feet of floor area.	25% long term 75% short term
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	1 per each 400 square feet of floor area.	25% long term 75% short term
Church, Synagogue, and Temple, including associated residential structures for religious personnel	1 per 20 fixed seats or 40 feet of bench length or every 200 square feet in main auditorium where no permanent seats or benches are maintained (sanctuary or place of worship).	100% short term
Club and Lodge of State or National Organization	1 per 20 fixed seats or 40 feet of bench length or every 200 square feet where no permanent seats or benches are maintained in main auditorium.	100% short term
Library	1 per each 500 square feet of floor area.	25% long term 75% short term
Museum	1 per each 500 square feet of floor area.	25% long term 75% short term
School, Business or Specialized Educational Training (excludes driving instruction)	1 per 5 full-time students.	25% long term 75% short term
School, Driving (including use of motor vehicles)	1 per each 3000 square feet of floor area.	25% long term 75% short term

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<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 4 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
School, Public or Private (Elementary through High School)	1 per 8 students.	25% long term 75% short term
University or College	1 per 5 full-time students.	25% long term 75% short term
<b>Entertainment and Recreation</b>		
Amusement Center (Arcade, pool tables, etc.)	1 per each 400 square feet of floor area.	25% long term 75% short term
Arena (Both indoors and outdoors)	1 per 20 seats.	25% long term 75% short term
<b>Athletic Facilities and Sports Clubs</b>		
-- Playing Court	1 per 5 courts.	25% long term 75% short term
-- Viewing Area	1 per each 280 square feet of floor area.	25% long term 75% short term
-- Locker Room, Sauna, Whirlpool, Weight Room, or Gymnasium	1 per each 750 square feet of floor area.	25% long term 75% short term
-- Lounge or Snack Bar Area	1 per each 600 square feet of floor area.	25% long term 75% short term
-- Pro Shops or Sales Area	1 per each 3000 square feet of floor area.	25% long term 75% short term
-- Swimming Pool	1 per each 2000 square feet of floor area.	25% long term 75% short term
Athletic Field, Outdoor	4 per each athletic field	100% short term
Bowling Alley	1 per each lane.	25% long term 75% short term
Equestrian Academy and Stable	-0-	NA
Equestrian Trail	-0-	NA
Golf Course, Miniature Indoor	1 per each 400 square feet of floor area.	25% long term 75% short term
Golf Course, Miniature Outdoor	1 per each 400 square feet of floor area.	25% long term 75% short term
Golf Course, with or without country club	-0-	NA
Golf Driving Range	1 per each 400 square feet of floor area.	25% long term 75% short term
Park and Playground	4 per park or playground	100% short term
Race Track, including drag strip and go-cart track	1 per 20 seats.	25% long term 75% short term
Theater, Live Entertainment	1 per 20 seats.	25% long term 75% short term
Theater, Motion Picture	1 per 20 seats.	25% long term 75% short term
<b>Financial Services</b>		
Automated Teller Machine (ATM)	-0-	NA
Bank, Savings and Loan Office, Credit Union	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Government</b>		

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<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 4 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
Government Services, not specifically listed in this or any other uses and permits table	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Information Technology Services</b>		
All Uses in this category	1 per each 2750 square feet of floor area	25% long term 75% short term
<b>Lodging</b>		
Bed and Breakfast Facility	1 per 10 guest bedrooms.	100% long term
Homeless Shelter in Existence as of January 1, 1984	1 per 20 beds.	75% long term 25% short term
Homeless Shelter not in existence as of January 1, 1984	1 per 20 beds.	75% long term 25% short term
Hotel, Motel, and similar business providing overnight accommodations	1 per 10 guest rooms.	75% long term 25% short term
Recreational Vehicle Park, may include tent sites (See EC 9.5600)	-0-	NA
<b>Manufacturing</b>		
All uses in this category excluding storage uses	1 per each 3000 square feet of floor area.	75% long term 25% short term
Storage	-0-	NA
<b>Medical, Health, and Correctional Services</b>		
Blood Bank	1 per each 3000 square feet of floor area.	100% short term
Correctional Facility, excluding Residential Treatment Center	1 per 20 beds.	75% long term 25% short term
Hospital, Clinic, or other Medical Health Treatment Facility (including mental health) in excess of 10,000 square feet of floor area	1 per each 3000 square feet of floor area.	75% long term 25% short term
Hospital, Clinic or other Medical Health Treatment Facility (including mental health) 10,000 square feet or less of floor area	1 per each 3000 square feet of floor area.	75% long term 25% short term
Laboratory--Medical, Dental, X-Ray	1 per each 3000 square feet of floor area.	25% long term 75% short term
Meal Service, Non-Profit	1 per each 3000 square feet of floor area.	25% long term 75% short term
Nursing Home	1 per 15 beds.	75% long term 25% short term
Plasma Center, must be at least 800 feet between Plasma Centers	1 per 15 beds.	75% long term 25% short term
Residential Treatment Center	1 per 15 beds.	75% long term 25% short term
<b>Motor Vehicle Related Uses</b>		
Car Wash	-0-	NA



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<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 4 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
Motor Vehicle Sales/Rental/Service, excluding motorcycles, recreational vehicles and heavy trucks	1 per each 6000 square feet of floor area.	100% short term
Motorcycle Sales/Rental/Service	1 per each 6000 square feet of floor area.	100% short term
Parking Area not directly related to a primary use on the same development site	-0-	NA
Parts Store	1 per each 3000 square feet of floor area.	100% short term
Recreational Vehicles and Heavy Truck, Sales/Rental/Service	1 per each 4000 square feet of floor area.	100% short term
Repair, includes paint and body shop	1 per each 6000 square feet of floor area.	100% short term
Service Station, includes quick servicing	1 per each 6000 square feet of floor area.	100% short term
Structured Parking, up to two levels not directly related to a primary use on the same development site	10% of auto spaces.	100% long term
Structured Parking, three or more levels not directly related to a primary use on the same development site	10% of auto spaces.	100% long term
Tires, Sales/Service	1 per each 6000 square feet of floor area.	100% short term
Transit Park and Ride, Major or Minor, only when shared parking arrangement with other permitted use	-0-	NA
Transit Park and Ride, Major or Minor	10% of auto spaces.	25% long term 75% short term
Transit Station, Major or Minor	-0-	NA
<b>Office Uses</b>		
All Uses in this category	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Personal Services</b>		
All Personal Services Uses, except Barber, Beauty, Nail, Tanning Shop and Laundromat	1 per each 3000 square feet of floor area.	25% long term 75% short term
Barber, Beauty, Nail, Tanning Shop	1 per each 2000 square feet of floor area	25% long term 75% short term
Laundromat, Self-Service	1 per each 2000 square feet of floor area	25% long term 75% short term
<b>Residential</b>		
One-Family Dwelling	-0-	NA
Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)	-0-	NA

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<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 4 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
Rowhouse (One-Family on own lot attached to adjacent residence on separate lot with garage or carport access to the rear of the lot)	-0-	NA
Duplex (Two-Family attached on same lot)	-0-	NA
Triplex (Three-Family attached on same lot)	1 per dwelling.	100 % long term
Four-Plexes (Four-Family attached on same lot)	1 per dwelling.	100 % long term
Multiple Family (3 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
<b>Assisted Care &amp; Day Care</b>		
-- Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	-0-	NA
-- Assisted Care (6 or more people living in facility)	1 per 10 employees	100% long term
-- Day Care (3 - 12 people served)	-0-	NA
-- Day Care (13 or more people served)	1 per 10 employees	100% long term
<b>Rooms for Rent</b>		
-- Boarding and Rooming House	1 per guest room.	100% long term
-- Campus Living Organizations, including Fraternities and Sororities	1 for each 2 occupants for which sleeping facilities are provided.	100% long term
-- Single Room Occupancy	1 per dwelling (4 single rooms are equal to 1 dwelling).	100% long term
-- University and College Dormitories	1 for each 2 occupants for which sleeping facilities are provided.	100% long term
<b>Trade (Retail and Wholesale)</b>		
Agricultural Machinery Rental/Sales/Service	1 per each 4000 square feet of floor area.	25% long term 75% short term
Appliance Sales/Service	1 per each 6000 square feet of floor area.	25% long term 75% short term
Boat and Watercraft Sales/Service	1 per each 6000 square feet of floor area.	25% long term 75% short term
Building Materials and Supplies	1 per each 6000 square feet of floor area.	25% long term 75% short term
Convenience Store	1 per each 3000 square feet of floor area.	25% long term 75% short term

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<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 4 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
Equipment, Light, Rental/Sales/Service	1 per each 4000 square feet of floor area.	25% long term 75% short term
Equipment, Heavy, Rental/Sales/Service- includes truck and tractor sales	1 per each 4000 square feet of floor area.	25% long term 75% short term
Furniture and Home Furnishing Store	1 per each 6000 square feet of floor area.	25% long term 75% short term
Garden Supply/Nursery	1 per each 6000 square feet of floor area.	25% long term 75% short term
Garden Supply/Nursery, including feed and seed store	1 per each 6000 square feet of floor area.	25% long term 75% short term
General Merchandise (includes supermarket and department store)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Hardware/Home Improvement Store	1 per each 6000 square feet of floor area.	25% long term 75% short term
Healthcare Equipment and Supplies	1 per each 3000 square feet of floor area.	25% long term 75% short term
Liquor Store	1 per each 3000 square feet of floor area.	25% long term 75% short term
Manufactured Dwelling Sales/Service/Repair	1 per each 3000 square feet of floor area.	25% long term 75% short term
Office Equipment and Supplies	1 per each 3000 square feet of floor area.	25% long term 75% short term
Plumbing Supplies and Services	1 per each 6000 square feet of floor area.	25% long term 75% short term
Regional Distribution Center	1 per each 6000 square feet of floor area.	25% long term 75% short term
Retail Trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site	1 per each 3000 square feet of floor area.	25% long term 75% short term
Storage Facility, Household/Consumer Goods	-0-	NA
Storage Facility, Household/Consumer Goods, enclosed	-0-	NA
Shopping center with at least 2 or more businesses and at least 50,000 square feet of gross floor area	1 per each 3000 square feet of floor area.	25% long term 75% short term
Specialty Store (An example includes a gift store)	1 per each 3000 square feet of floor area.	25% long term 75% short term
Storage Facility	-0-	NA
Wholesale Trade	-0-	NA
<b>Utilities and Communication</b>		
All Uses in Utilities and Communication Category, except for Broadcasting Studios	-0-	NA

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<b>Table 9.6105(5) Minimum Required Bicycle Parking Spaces</b>		
<b>Uses</b>	<b>Required Bicycle Parking</b> (Minimum 4 bicycle spaces required unless -0- is indicated.)	<b>Type and % of Bicycle Parking</b>
Broadcasting Studio, Commercial and Public Education	1 per each 3000 square feet of floor area.	25% long term 75% short term
<b>Other Commercial Services</b>		
Building Maintenance Service	1 per each 3000 square feet of floor area.	100% short term
Catering Service	1 per each 3000 square feet of floor area.	25% long term 75% short term
Cemetery, includes crematoria, columbaria, and mausoleums	-0-	NA
Collection Center, Collection of Used Goods (See EC 9.5150)	-0-	NA
Garbage Dump, sanitary landfill	-0-	NA
Heliport and Helistop	-0-	NA
Home Occupation (See EC 9.5350)	-0-	NA
Kennel	-0-	NA
Model Home Sales Office	-0-	NA
Mortuary	1 per each 280 square feet in main auditorium.	100 % short term
Photographers' Studio	1 per each 3000 square feet of floor area.	100 % short term
Picture Framing and Glazing	1 per each 3000 square feet of floor area.	100 % short term
Printing, Blueprinting, Duplicating	1 per each 3000 square feet of floor area.	25% long term 75% short term
Publishing Service	1 per each 3000 square feet of floor area.	25% long term 75% short term
Temporary Activity (See EC 9.5800)	-0-	NA
Train Station	1 per each 3000 square feet of floor area.	75% long term 25% short term
Upholstery Shop	1 per each 3000 square feet of floor area.	100% short term
Veterinarian Service	1 per each 6000 square feet of floor area	100% short term
Wildlife Care Center	1 per each 6000 square feet of floor area	100% short term

**(6) Autzen Stadium Complex Bicycle Parking Standards.**

(a) So long as a city-approved intergovernmental agreement incorporating a transportation demand management plan for Autzen Stadium complex is in effect:

1. A minimum of 150 permanent bicycle parking spaces are required to be provided to accommodate employees of the Autzen Stadium complex, athletes using the complex, and visitors to the complex. Twenty-five percent (25%) of those spaces shall be sheltered from precipitation. The permanent bicycle parking spaces shall be provided in a well-lighted, secure location within a convenient distance of a primary employee entrance to either Autzen

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Stadium, the Casanova Center, or the Moshofsky Center. A secure location is defined as one in which the bicycle parking is clearly visible from employee work areas, or in which the bicycle parking is provided within a lockable room, a lockable bicycle enclosure, or a bicycle locker. Bicycle parking provided in outdoor locations shall not be farther than the closest employee auto parking space (except disabled parking).

2. Secured temporary bicycle parking that will accommodate a minimum of 550 temporary bicycle parking spaces is required for each major event occurring within Autzen Stadium to accommodate major stadium event patrons. Temporary bicycle parking shall be provided in temporary attended areas as described in the approved Autzen Stadium transportation demand management plan.
  - (b) If the above referenced intergovernmental agreement is not in effect, the Autzen Stadium Complex shall be required to provide 1 bicycle space per each 16 seats, with 20% of the spaces provided being long term parking spaces and 80% being short term parking spaces.

*(Section 9.6105, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6110**     **Adjustments to Bicycle Parking Standards.** Adjustments may be made to the standards of EC 9.6100 through 9.6105 if consistent with the criteria in EC 9.8030(9) Bicycle Parking Standards Adjustment of this land use code.

*(Section 9.6110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Landscape Standards

- 9.6200 Purpose of Landscape Standards.** Landscape standards are designed to:
- (1) Improve the appearance and visual character of the community.
  - (2) Promote compatibility between all land uses by reducing the visual, noise, and lighting impacts of development on adjacent properties.
  - (3) Unify development, and enhance and define public and private spaces on a site.
  - (4) Reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties.
  - (5) Reduce the area of impervious surfaces.
  - (6) Reduce the level of carbon dioxide in areas of heavy vehicle use and return pure oxygen to the atmosphere.
  - (7) Encourage safe and efficient on-site circulation.
  - (8) Encourage the retention and use of existing vegetation.
  - (9) Provide shade as a means of mitigating heat and exposure in parking lots and other paved areas.
  - (10) Encourage efficient water use and conservation.

*(Section 9.6200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.6205 Landscape Standards.** The landscape standards reflected in Table 9.6205 and EC 9.6207 - 9.6255 establish minimum landscape requirements that apply to any development, except:
- (1) Building alterations.
  - (2) Site improvements not listed in Table 9.6205.
  - (3) Change of use.

<b>Table 9.6205 Landscaping Required by this Land Use Code</b>							
	<b>L-1 Basic</b>	<b>L-2 Low Screen</b>	<b>L-3 High Screen</b>	<b>L-4 High Wall</b>	<b>L-5 Partial Screen Fence</b>	<b>L-6 Full Screen Fence</b>	<b>L-7 Massed</b>
Electrical Substation EC 9.2010, 9.2160, 9.2450, 9.2630, 9.2682(1)(b) 9.2740, 9.3310, 9.3910, 9.4640(2)(i), 9.6410 unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.			x				
Fiber Optic Station EC 9.2010, 9.2160, 9.2450, 9.2740, 9.3310, 9.3910, 9.6410, unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.			x				

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<b>Table 9.6205 Landscaping Required by this Land Use Code</b>							
	<b>L-1 Basic</b>	<b>L-2 Low Screen</b>	<b>L-3 High Screen</b>	<b>L-4 High Wall</b>	<b>L-5 Partial Screen Fence</b>	<b>L-6 Full Screen Fence</b>	<b>L-7 Massed</b>
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities (unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact) EC 9.2010, 9.2160, 9.2450, 9.2682(1)(b), 9.2740, 9.3310, 9.3910, 9.4640(2)(i), 9.6410.			x				
Commercial Development EC 9.2170(5)(b)	x						
Interior Yard Setbacks on Commercially Zoned Property Abutting Residential Zones EC 9.2170(5)(c)			x				
Outdoor Merchandise Display in Commercial Zones EC 9.2170(8)(b)2.	x						
Garbage Screening in Commercial Zones EC 9.2170(9)(b)						x	
Delivery and Loading Areas on Commercially Zoned Lots Abutting Residential Zones EC 9.2170(11)(b), 9.2173(9)				x			
Drive-Through Service Areas on Commercially Zoned Lots EC 9.2170(12)(c) Standards Vary.	x		x				
Interior Yards in Large Commercial Facilities Adjacent to or Facing Residential Zones EC 9.2173(7)							x
Front Yard Setbacks in E-1 along Arterial Streets EC 9.2461(3)(b)1							x
Front Yard Setbacks in E-1 along Collector or Local Streets EC 9.2461(3)(b)1	x						
Front Yard Setbacks in E-2, I-2 and I-3 EC 9.2461(3)(b)2	x						

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<b>Table 9.6205 Landscaping Required by this Land Use Code</b>							
	<b>L-1 Basic</b>	<b>L-2 Low Screen</b>	<b>L-3 High Screen</b>	<b>L-4 High Wall</b>	<b>L-5 Partial Screen Fence</b>	<b>L-6 Full Screen Fence</b>	<b>L-7 Massed</b>
Interior Yard Setbacks in E-1 and E-2 Zoned Lots Adjacent To Residentially Zoned Lots EC 9.2461(3)(c)1			x				
Interior Yard Setbacks in I-2 and I-3 Adjacent to Residentially Zoned Lots EC 9.2461(3)(c)2				x			
Garbage Screening in Employment and Industrial Zones (choose one of the three) EC 9.2461(9)(a)			x	x	x		
Front Yard Setbacks for Drive-Through Facility Service Area Landscaping in E-1 and E-2 Zones EC 9.2461(11)(c)		x					
Interior Yard Setbacks for Drive-Through Facility Service Area Landscaping in E-1 and E-2 Zones EC 9.2461(11)(c)			x				
Delivery and Loading Facilities on Industrially Zoned Lots Abutting Residential Zones EC 9.2461(12)(b)				x			
Outdoor Storage and Display Standards in Employment and Industrial Zones (Standards vary, see Table 9.2461.)				x	x		
Multiple-Family Development EC 9.5500(8)(c)	x						
Recreational Vehicle Park Front Yard Screening EC 9.5600(1)		x					
Off-Street Loading Spaces in E-1 EC 9.6415(2)(b)				x			
Parking Area Landscaping along a Street EC 9.6420(3)(c)1.c		x					
Parking Area Entrance Driveway Landscaping EC 9.6420(3)(c)2		x					



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<b>Table 9.6205 Landscaping Required by this Land Use Code</b>							
	<b>L-1 Basic</b>	<b>L-2 Low Screen</b>	<b>L-3 High Screen</b>	<b>L-4 High Wall</b>	<b>L-5 Partial Screen Fence</b>	<b>L-6 Full Screen Fence</b>	<b>L-7 Massed</b>
Interior Yards in Parking Areas Adjacent to Residentially Zoned Property EC 9.6420(3)(d)3			x				
Parking and Loading Areas Adjacent to Residentially Zoned Property EC 9.6420(3)(d)3.a				x			
Parking Areas and Loading Areas Adjacent to Property Not Zoned Residentially EC 9.6420(3)(d)3.b		x					
Structured Parking EC 9.6420(3)(f)2			x				
Recycling and Garbage Areas Within or Adjacent to Vehicular Use Areas EC 9.6740						x	

(Section 9.6205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

**9.6207**     **Required Plant Materials.** Plants used within required landscape areas shall be selected from the City of Eugene Plant Materials list approved by administrative order of the city manager.

(Section 9.6207, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6210**     **Description of Landscape Standards.**

**(1) Basic Landscape Standard (L-1).**

- (a) Required Plant Materials. Basic Landscape Standard (L-1) requires the installation and maintenance of all of the following:
1. 1 tree per 30 linear feet as measured along the front lot line.
  2. 6 shrubs per 30 linear feet as measured along the front lot line.
  3. Living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.

The required plant materials may be installed in the required area in any arrangement and do not need to be linear in design.

- (b) Exceptions to Required Plant Materials. An exception to the requirement in subsection (a)1. above shall be granted if any of the following conditions exist:

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1. Excluding any required parking area landscaping, the landscape area required to comply with the L-1 Basic Landscape Standard is located entirely within 15 feet of a building.
  2. The landscape area required to comply with the L-1 Basic Landscape Standard is located on the roof of a building or exposed terrace.
  3. The landscape area required to comply with the L-1 Basic Landscape Standard is on a development site that has achieved a Floor Area Ratio (FAR) of at least 1.0.
- (c) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(b).
- (2) Low Screen Landscape Standard (L-2).**
- (a) Required Plant Materials. Low Screen Landscape Standard (L-2) requires the installation and maintenance of all of the following:
1. Low shrubs to form a continuous screen at least 30 inches high within 3 years and maintained at a height not to exceed 42 inches.
  2. 1 canopy tree per 30 linear feet as measured along the street lot line.
  3. Living plant materials covering a minimum of 70 percent of the required landscape area within 3 years of planting.
- A masonry wall or a berm between 30 and 42 inches high shall be permitted as a substitute for the required low shrubs, but the trees and other plant materials are still required. When applied along street lot lines, the masonry wall is to be placed farthest from the street with the required landscaping in between the wall and street. When applied along an abutting property the masonry wall may be placed along the interior lot line. **(See Figure 9.6210(2) Low Screen Landscape L-2.)**
- (b) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(c).
- (3) High Screen Landscape Standard (L-3).**
- (a) Required Plant Materials. High Screen Landscape Standard (L-3) requires the installation and maintenance of all of the following:
1. High shrubs that are in at least 5 gallon containers at the time of planting to form a continuous screen, at least 6 feet high, within 5 years of planting.
  2. 1 canopy tree per 30 linear feet as measured along interior lot lines.
  3. Living plant materials covering a minimum of 70 percent of the required landscape area within 5 years of planting.
- A masonry wall at least 6 feet high shall be permitted as a substitute for the shrubs but the trees and other plant materials are still required. When this landscape standard is applied along street lot lines, the screen or wall is to be placed farthest from the street with the required landscaping in between the wall and street. When applied along an abutting property the masonry wall may be placed along the interior lot line. **(See Figure 9.6210(3) High Screen Landscape L-3.)**
- (b) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(d).
- (4) High Wall Landscape Standard (L-4).**
- (a) Required Materials. High Wall Landscape Standard (L-4) requires the

installation and maintenance of all of the following:

1. Masonry wall at least 6 feet high with a maximum height of 8 feet. When applied along street lot lines, the wall shall be placed farthest from the street with the required landscaping in between the wall and the street. When abutting an adjacent parcel, the wall may be placed along the interior lot line.
  2. 1 canopy tree is required per 30 linear feet of wall.
  3. 4 high shrubs or vines are required per 30 linear feet of wall, and
  4. Living plant material must cover a minimum of 70 percent of the required landscape area within 5 years of planting. **(See Figure 9.6210(4) High Wall Landscape (L-4).)**
- (b) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(e).
- (5) Partial Screen Fence Landscape Standard (L-5).**
- (a) Required Materials. Partial Screen Fence Landscape Standard (L-5) requires the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet that are at least 50 percent site-obscuring, such as a cyclone fence with slats. Vines are permitted on fences to fulfill the requirement for a screening fence provided they will be 50 percent site-obscuring within 5 years of planting. Fences may be made of wood, metal, masonry, or other permanent materials. **(See Figure 9.6210(5) Partial Screen Fence Landscape (L-5).)**
- (b) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 8030(3)(f).
- (6) Full Screen Fence Landscape Standard (L-6).**
- (a) Required Materials. Full Screen Fence Landscape Standard (L-6) requires the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet that are 100 percent site-obscuring. Fences may be made of wood, metal, masonry or other permanent materials. **(See Figure 9.6210(6) Full Screen Fence Landscape (L-6).)**
- (b) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(g).
- (7) Massed Landscape Standard (L-7).**
- (a) Required Materials. Massed Landscape Standard (L-7) requires the installation and maintenance of all of the following:
1. Planting linear or non-linear vegetation listed in subparagraphs 2 through 5 of this subsection along the full length of the designated landscape area.
  2. 2 canopy trees per 100 linear feet along arterial and collector streets;
  3. 5 under-story trees per 100 linear feet along arterial and collector streets.
  4. 60 shrubs per 100 linear feet along arterial and collector streets; and
  5. Living plant materials covering a minimum of 70 percent of required landscape area within 5 years of planting.
- (b) Criteria for Adjustment. This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(h).

*(Section 9.6210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and*

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*amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)*

**9.6215** **Credit for Preservation of Heritage Trees.** Variable credit shall be allowed for preservation of heritage trees, as defined in the adopted Eugene Urban Forest Management Plan. The planning and development director shall determine the value of the Heritage Tree, according to formulas established in Valuation of Landscape Trees, Shrubs and Other Plants (International Society of Arboriculture) and shall relieve the contractor/developer from planting a number of trees having a value of up to 50 percent of the value of the Heritage Tree preserved.

*(Section 9.6215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6220** **Installation and Maintenance.** Installed plant materials shall meet the standards in the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1), published by the American Nursery and Landscape Association. All required landscape areas soils shall extend to the native soil. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Maintenance of landscaped areas is the ongoing responsibility of the property owner. All landscaping shall be installed and maintained to protect it from vehicular damage through the use of curbing and to provide adequate vision clearance. Required shrubs and trees shall not be pruned or sheared below their code-required spread or height.

*(Section 9.6220 amended by Ordinance No. 20249, enacted May 8, 2002, effective June 1, 2002; and Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003.)*

**9.6225** **Irrigation.** An automatically controlled irrigation system shall be provided for all plant materials used to meet these landscape standards. Drip irrigation and low-gallon systems are encouraged for non-turf areas. The irrigation system need not provide water to unplanted areas, or to areas where existing native plants have been preserved. The irrigation systems shall be maintained and operated in a manner that promotes the health and appearance of the plant material while minimizing water use and avoiding excessive run-off.

*(Section 9.6225, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6230** **Landscape Plans.** Landscape plans shall be submitted in a manner approved by the city manager. Landscape plans shall show that all proposed landscaped areas and landscape materials comply with the applicable landscape standards in this land use code.

*(Section 9.6230 amended by Ordinance No. 20235, enacted October 8, 2001, effective October 10, 2001.)*

**9.6235** **Plant Materials Standards.**

- (1) Shrubs and Ground Cover.** All required plant materials shall be of sufficient size and number to meet the required 70 percent coverage standard within 3 to 5 years according to the type of landscape standard being addressed. Mulch is not a substitute for ground cover plants. All required shrubs shall be in at least 3 gallon containers prior to planting, unless otherwise specified.
- (2) Trees.** Except where 1 or the other is specified elsewhere in this code, trees may be either deciduous or evergreen varieties. Required canopy trees at the time of planting must be fully branched and have a minimum diameter of 2 inches as measured by American Association of Nurserymen Standards.

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Required evergreen trees at the time of planting must be fully branched and a minimum of 6 feet in height.

(Refer also to City of Eugene Plant Materials List.)

(Section 9.6235, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### **9.6240 Preservation of Existing Vegetation.**

- (1) New developments with existing vegetation on the site are encouraged to preserve and integrate the vegetation into the design of the development. The following credit shall be given for preservation of existing vegetation:
  - (a) For each tree preserved on the development site, the development will be relieved from planting requirements for 2 trees as specified in all of the following:
    1. EC 9.6420(3)(c) Parking Area Landscaping Along Street and Driveway Entrances.
    2. EC 9.6420(3)(d) Perimeter Parking Area Landscaping.
    3. EC 9.6420(3)(e) Interior Parking Area Landscaping.
  - (b) For each square foot of root area preserved in an unaltered state around the tree, the development will be relieved from providing 2 square feet of planting area as specified in EC 9.6420(3)(e) Interior Parking Area Landscaping.
  - (c) Areas containing mature native vegetation shall not be required to provide irrigation.
  - (d) For development sites where 35% or more of the developable area is required to be retained in open space due to standards in this code related to natural resource protection, including tree protection measures, the development will be relieved from providing the landscaping associated with EC 9.6420(3)(e) Interior Parking Area Landscaping.
- (2) Contractors/developers who choose to preserve significant vegetation on the site, including heritage trees, shall:
  - (a) Submit a detailed tree preservation and planting plan, with the development permit application, that shows the trees and other vegetation to be preserved and planted. The planning and development director shall determine whether the vegetation to be preserved conforms to the definition for significant vegetation or heritage tree.
  - (b) Follow the planning and development director's recommendations to insure that no cutting, filling, compaction or other disturbance of soil takes place in an area that exceeds 30% of the critical root zone area of the tree. Alteration of the soil within the critical root zone area shall require submittal of a tree preservation plan for mitigative actions to preserve the tree. The tree preservation plan shall address drainage compaction, fertilization, pruning and design measures that will be taken to insure the continued health of the tree before and after the critical root zone area is disturbed.
  - (c) Execute an agreement with the city to replace any significant tree or heritage tree that dies within 5 years of the date the agreement is signed. For trees determined to be significant, replacement trees shall be provided at the rate of 2 new trees for each tree lost. The replacement ratio for heritage trees is variable; the number of heritage

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replacement trees shall be equal to the number credited, as provided in EC 9.6215 or any adjustments made pursuant to EC 9.8030(3) Landscape Standards Adjustment. The location of replacement trees shall be determined prior to execution of the agreement. If a reasonable location for the replacement trees cannot be found on the site, the value equal to the number of trees credited shall be given to the city for the planting of trees on public property.

*(Section 9.6240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6250**     **Street Trees.** Street trees are regulated in Chapter 7 of this code and are not to be counted toward any landscaping requirements of this land use code.

*(Section 9.6250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6255**     **Vision Clearance Area Landscaping.** All landscaping within vision clearance areas shall comply with EC 9.6780 Vision Clearance Area. Where high shrubs or other site-obscuring screening is required by provisions of this land use code, low screening shall be substituted within vision clearance areas. **(See Figure 9.0500 Vision Clearance Area.)**

*(Section 9.6255, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Motor Vehicle Parking and Loading Standards

**9.6400** **Purpose of Motor Vehicle Parking and Loading Standards.** Sections 9.6400 through 9.6435 set forth standards for off-street motor vehicle parking and loading areas based on the use and location of the property. Motor vehicle parking and loading standards provide safe, convenient, and attractive areas for the parking of motor vehicles. Parking lots and garages shall be designed, laid out and constructed in accordance with those standards in order to also provide safe and convenient access and circulation.

*(Section 9.6400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6410** **Motor Vehicle Parking Standards.**

- (1) Location of Required Off-Street Parking Spaces.** Required off-street parking shall be on the development site or within 1/4 mile or 1320 feet of the development site that the parking is required to serve.
  - (a) All required parking shall be under the same ownership as the development site served, except through a city approved agreement that binds the parking area to the development site. The off-street parking space requirement for a multi-family dwelling may be satisfied through an agreement that provides parking located on another multi-family dwelling's development site only if the party requesting approval demonstrates that, after the agreement is executed, both development sites will meet the current code's minimum off-street parking space requirement. Each parking space provided through a city approved agreement must have a permanent sign of at least 1 square foot that indicates the name or address of the multi-family dwelling for which the parking is reserved.
  - (b) Except as provided in EC 9.2751(15)(b)3. Driveways and Parking Areas in R-3 and R-4, parking areas may be located in required setbacks only as permitted in EC 9.6745 Setbacks - Intrusions Permitted.
  - (c) Tandem parking spaces may be utilized to meet off-street parking requirements for multi-family dwellings in the R-3 and R-4 zones within the boundaries of the city recognized West University Neighbors and South University Neighborhood Association. Those tandem spaces may only be located in an underground parking area or at least 30 feet from a public street within a parking area that can be accessed only from an alley. **(For tandem parking on alleys, see Figure 9.6410(1)(c)).** Tandem parking spaces may not be utilized to meet off-street parking requirements for other types of development in any area.
- (2) Maximum Number of Off-Street Parking Spaces.**
  - (a) Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, and spaces within structured parking with 2 or more levels, the maximum number of parking spaces for non-residential uses may not exceed 125 percent of the minimum spaces required by EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces, unless an adjustment is granted according to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment. This standard does not apply to existing parking areas that are not expanded.

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- (b) Regardless of the limitations contained in EC 9.6410 (2)(a) above, at least 2 parking spaces may be constructed on a development site.
- (3) Minimum Number of Required Off-Street Parking Spaces.** Except as provided in this section, or in an adjustment pursuant to EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustment, the minimum number of required off-street parking spaces shall be calculated as provided in Table 9.6410 Required Off-Street Motor Vehicle Parking.
- (a) A parking reduction of up to 50% of the minimum requirement in the /ND overlay zone and up to 25 percent of the minimum requirement in all other zones is allowed as a right of development. In addition to these reductions, a parking reduction of 25% of the minimum required off-street parking is allowed for shared off-street parking. (See EC 9.6430)
- (b) For any use located in the C-1 zone:
1. No parking spaces are necessary if 8 or fewer parking spaces are otherwise required.
  2. If 9 or more parking spaces are otherwise required, the required parking can be reduced by 4 spaces if the business contributes towards providing urban amenities such as benches, low level lights, a bus shelter, or other open space improvements in the area.
- (c) Motor vehicle parking at Autzen Stadium Complex shall comply with:
1. So long as a city-approved intergovernmental agreement incorporating a transportation demand management plan for Autzen Stadium complex is in effect a minimum of 4,749 vehicle parking spaces are required to be provided on the Autzen Stadium Complex site or within 1000' of that site. All required parking shall be owned by the state of Oregon, except through a city-approved agreement that binds the parking area to the Autzen Stadium Complex.
  2. If the above referenced intergovernmental agreement is not in effect, the Autzen Stadium Complex shall be required to provide 1 vehicle parking space for each 4.4 seats.
- (d) When calculating the parking requirements for an outdoor restaurant, up to 20 outdoor seats shall be exempt from the calculations.

<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Agricultural, Resource Production and Extraction</b>	
Agricultural Use and Community and Allotment Garden	-0-
Display and Sale of Agricultural Products, primarily based on products raised or grown on the premises	1 per each 660 square feet of floor area.
Horticultural Uses. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.	1 per each 660 square feet of floor area.
<b>Eating and Drinking Establishments</b>	
Bar and Tavern	1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.



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<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
Delicatessen	1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.
Restaurant	1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.
Specialty Food and Beverage. <u>Examples</u> include a bagel, candy, coffee, donut, and ice cream store. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	1 per each 66 square feet of seating floor area plus 1 for each 440 square feet of non-seating floor area.
<b>Education, Cultural, Religious, Social and Fraternal</b>	
Artist Gallery/Studio	1 per each 275 square feet of floor area.
Ballet, Martial Arts, Dance and Gymnastics School/Academy/Studio	1 per each 80 square feet of dance area.
Church, Synagogue, and Temple, including associated residential structures for religious personnel	1 per 4 fixed seats, 1 per 8 feet of bench length, or 1 per every 28 square feet in areas where no permanent seats are maintained in the main auditorium (sanctuary or place of worship). If religious services operate concurrently with other activities, user may include additional parking at 1 per 40 square feet for the space used concurrently.
Club and Lodge of State or National Organization	1 per 4 fixed seats, 1 per 8 feet of bench length, or 1 per every 28 square feet where no permanent seats or benches are maintained in the main auditorium.
Community and Neighborhood Center	1 per 4.5 seats or 1 per 28 square feet of assembly area where there are no fixed seats.
Library	1 per each 275 square feet of floor area.
Museum	1 per each 275 square feet of floor area.
School, Business or Specialized Educational Training (excludes driving instruction)	1 per every 3.5 classroom seats.
School, Driving (including use of motor vehicles)	1 per each 2000 square feet of floor area
School, Public or Private (Elementary School)	1 space per 8 students of design capacity as determined by the school.
School, Public or Private (Middle School)	1 space per 9 students of design capacity as determined by the school.
School, Public or Private (High School)	1 space per 3.5 students of design capacity as determined by the school.
University or College	1 per every 3.5 full time equivalent students.
<b>Entertainment and Recreation</b>	
Amusement Center (Arcade, pool tables, etc.)	1 per each 80 square feet of floor area.
Arena (Both indoors & outdoors)	1 per each 4.5 seats.
<b>Athletic Facilities and Sports Clubs</b>	
-- Playing Court	1.8 per each playing court.

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<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
-- Viewing Area	1 per each 4.4 seats, 9.6 feet of bench length, or 31 square feet of gross floor area.
-- Locker Room, Sauna, Whirlpool, Weight Room, or Gymnasium	1 per each 83 square feet of gross floor area.
-- Lounge or Snack Bar Area	1 per each 66 square feet of gross floor area.
-- Pro Shops or Sales Area	1 per each 330 square feet of gross floor area.
-- Swimming Pool	1 per each 220 square feet of pool surface area.
Athletic Field, Outdoor	-0-
Bowling Alley	5.4 per each bowling lane.
Equestrian Academy and Stable	1 per 3.5 classroom seats or 1 per every 3 stables.
Equestrian Trail	-0-
Golf Course, Miniature Indoor	1 per each 80 square feet of floor area.
Golf Course, Miniature Outdoor	1 per each 80 square feet of floor area.
Golf Course, with or without country club	1 per 3 golf holes plus 1 per each 2 employees.
Golf Driving Range	1 per each 80 square feet of floor area.
Park and Playground	-0-
Race Track, including drag strip and go-cart track	1 per 4.5 seats
Theater, Live Entertainment	1 per 4.5 seats.
Theater, Motion Picture	1 per 4.5 seats.
<b>Financial Services</b>	
Automated Teller Machine (ATM)	-0-
Bank, Savings and Loan Office, Credit Union	1 per each 330 square feet of floor area.
<b>Government</b>	
Government Services, not specifically listed in this or any other uses and permits table	1 per each 330 square feet of floor area.
<b>Information Technology Services</b>	
All uses in this category	1 per each 275 square feet of floor area.
<b>Lodging</b>	
Bed and Breakfast Facility	1 per guest bedroom for facilities with 5 or more guest rooms.
Homeless Shelter in existence as of January 1, 1984	1 per 40 beds
Homeless Shelter not in existence as of January 1, 1984	1 per 40 beds
Hotel, Motel, and similar business providing overnight accommodations	1 per guest room.
Recreational Vehicle Park, may include tent sites (See EC 9.5600)	1 per each 660 square feet of floor area.
<b>Manufacturing</b>	
All Uses in this category, excluding storage	1 per each 550 square feet of floor area.
Storage	1 per each 1650 square feet of floor area.
<b>Medical, Health, and Correctional Services</b>	
Blood Bank	1 per each 330 square feet of floor area.

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<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
Correctional Facility, excluding Residential Treatment Center	1 per 5.5 beds.
Hospital, Clinic or other Medical Health Treatment Facility (including mental health) in excess of 10,000 square feet of floor area	1 per each 200 square feet of floor area or 1.35 per bed.
Hospital, Clinic or other Medical Health Treatment Facility (including mental health) 10,000 square feet or less of floor area	1 per each 200 square feet of floor area or 1.35 per bed.
Laboratory--Medical, Dental, X-Ray	1 per each 330 square feet of floor area.
Meal Service, Non Profit	1 per each 330 square feet of floor area.
Nursing Home	1 per 4 beds.
Plasma Center, must be at least 800 feet between Plasma Center	1 per each 330 square feet of floor area.
Residential Treatment Center	1 per 5.5 beds.
<b>Motor Vehicle Related Uses</b>	
Car Wash	-0-
Motor Vehicle Sales/Rental/Service, excluding motorcycles, recreational vehicles and heavy trucks	1 per each 330 square feet of floor area.
Motorcycle Sales/Rental/Service	1 per each 330 square feet of floor area.
Parking Area not directly related to a primary use on the same development site	N/A
Parts Store	1 per each 330 square feet of floor area.
Recreational Vehicle and Heavy Truck, Sales/Rental/Service	1 per each 440 square feet of floor area.
Repair, includes paint and body shop	1 per each 660 square feet of floor area.
Service Station, includes quick servicing	1 per each 660 square feet of floor area.
Structured Parking, up to two levels not directly related to a primary use on the same development site	N/A
Structured Parking, three or more levels not directly related to a primary use on the same development site	N/A
Tires, Sales/Service	1 per each 660 square feet of floor area.
Transit Park and Ride, Major or Minor, only when shared parking arrangement with other permitted use	N/A
Transit Park and Ride, Major or Minor	N/A
Transit Station, Major or Minor	N/A
<b>Office Uses</b>	
All Uses in this category	1 per each 330 square feet of floor area
<b>Personal Services</b>	
Barber, Beauty, Nail, Tanning Shop	1 per 330 square feet of floor area.
Day Care Facility (Not associated with a residence)	.9 per employee.
Dry Cleaner	1 per each 660 square feet of floor area.
Film, Drop-off/Pick-up	1 per each 660 square feet of floor area.
Locksmith Shop	1 per each 660 square feet of floor area.

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<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
Laundromat, Self-Service	1 per each 330 square feet of floor area.
Mailing and Packaging Service	1 per each 660 square feet of floor area
Shoe Repair Shop	1 per each 330 square feet of floor area.
Tailor Shop	1 per each 330 square feet of floor area.
<b>Residential</b>	
<b>Dwelling</b>	
One-Family Dwelling	1 per dwelling.
One-Family Dwelling - Flag Lot	2 per dwelling.
Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)	1 per dwelling.
Rowhouse (One-Family on own lot attached or adjacent residence on separate lot with garage or carport access to the rear of the lot)	1 per dwelling.
Duplex (Two-Family attached on same lot)	1 per dwelling.
Triplex (Three-Family attached on same lot)	1 per dwelling.
Four-Plex (Four-Family attached on same lot)	1 per dwelling.
Multiple-Family (3 or more dwellings on same lot) not specifically addressed elsewhere in this Table.	1 per dwelling
Multiple-Family in the R-3 and R-4 zones within the boundaries of the City recognized West University Neighbors and South University Neighborhood Association	<p>1 space for each studio, 1 bedroom or 2 bedroom dwelling</p> <p>1.5 spaces for each 3 bedroom dwelling*</p> <p>* .5 spaces required for each additional bedroom beyond a 3 bedroom dwelling.</p> <p>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.</p> <p>One tandem space shall be counted as two parking spaces. Tandem spaces shall not be allowed for studio or 1- or 2-bedroom dwellings.</p>
Multiple-Family Subsidized Low-Income Housing in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Family Subsidized Low-Income Senior Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Family Subsidized Low-Income Disabled Housing in any area (see (5) below)	.33 per dwelling or 3 spaces, whichever is greater
Multiple-Family Subsidized Low-Income Senior Housing Partial in any area (see (5) below)	.67 per dwelling or 3 spaces, whichever is greater
Multiple-Family 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.

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<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Assisted Care &amp; Day Care</b>	
-- Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	1 for each 4 beds.
-- Assisted Care (6 or more people living in facility)	1 for each 4 beds.
-- Day Care (3 - 12 people served)	.9 for each employee not living in home on site at the same time.
-- Day Care (13 or more people served)	.9 for each employee not living in home on site at the same time.
<b>Rooms for Rent</b>	
-- Boarding and Rooming House	1 per guest room.
-- Campus Living Organizations, including Fraternities and Sororities	1 for each 3 occupants for which sleeping facilities are provided.
-- Single Room Occupancy	1 per dwelling (4 single rooms are equal to 1 dwelling).
-- University and College Dormitories	1 for each 3 occupants for which sleeping facilities are provided.
<b>Trade (Retail and Wholesale)</b>	
Agricultural Machinery Rental/Sales/Service	1 per each 440 square feet of floor area.
Appliance Sales/Service	1 per each 660 square feet of floor area.
Boat and Watercraft Sales/Service	1 per each 660 square feet of floor area.
Building Materials and Supplies	1 per each 660 square feet of floor area.
Convenience Store	1 per each 330 square feet of floor area.
Equipment, Light, Rental/Sales/Service	1 per each 440 square feet of floor area.
Equipment, Heavy, Rental/Sales/Service- includes truck and tractor sales	1 per each 440 square feet of floor area.
Furniture and Home Furnishing Store	1 per each 660 square feet of floor area.
Garden Supply/Nursery	1 per each 660 square feet of floor area.
General Merchandise (includes supermarket and department store)	1 per each 330 square feet of floor area.
Hardware/Home Improvement Store	1 per each 660 square feet of floor area.
Healthcare Equipment and Supplies	1 per each 330 square feet of floor area.
Liquor Store	1 per each 330 square feet of floor area.
Manufactured Dwelling Sales/Service/Repair	1 per each 330 square feet of floor area.
Office Equipment and Supplies	1 per each 330 square feet of floor area.
Outdoor Merchandise Display	-0-
Plumbing Supplies and Services	1 per each 660 square feet of floor area.
Retail Trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site	1 per each 330 square feet of floor area.
Shopping center with at least one supermarket or variety store and 50,000 square feet of gross floor area	1 per each 330 square feet of floor area.
Specialty Store (An example includes a gift store)	1 per each 330 square feet of floor area.
Storage Facility, Household/Consumer Goods	1 per each 330 square feet of floor area of the office space.
Wholesale, Warehousing, and Distribution	1 per each 1650 square feet of floor area.
<b>Utilities and Communication</b>	

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<b>Table 9.6410 Required Off-Street Motor Vehicle Parking</b>	
<b>Uses</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
Amateur Radio Antenna Structure (See EC 9.5050)	-0-
Broadcasting Studio, Commercial and Public Education	1 per each 330 square feet of floor area.
Electrical Substation	-0-
Fiber Optic Station	-0-
Pump Station	-0-
Telecommunication Facility (Refer to EC 9.5750)	-0-
Water Reservoir, elevated above ground level	-0-
<b>Other Commercial Services</b>	
Building Maintenance Service	1 per each 550 square feet of floor area.
Catering Service	1 per each 550 square feet of floor area.
Cemetery, Includes crematoria, columbaria, or mausoleums	1 per each full-time employee.
Collection Center, Collection of Used Goods (See EC 9.5150)	-0-
Garbage Dump, sanitary landfill	1 per each 550 square feet of floor area.
Heliport and Helistop	Parking requirements determined based on a Type III review.
Home Occupation (See EC 9.5350)	-0-
Kennel	1 per 550 square feet of floor area.
Model Home Sales Office (See EC 9.5450)	1 per 330 square feet of floor area.
Mortuary	1 per 4 fixed seats or 8 feet of bench length or every 28 square feet in main auditorium where no permanent seats or benches are maintained (sanctuary or place of worship).
Photographers' Studio	1 per each 550 square feet of floor area.
Picture Framing and Glazing	1 per each 550 square feet of floor area.
Printing, Blueprinting, Duplicating	1 per each 550 square feet of floor area.
Publishing Service	1 per each 550 square feet of floor area.
Temporary Activity (See EC 9.5800)	-0-
Train Station	Parking requirements determined based on a Type II or Type III review.
Upholstery Shop	1 per each 550 square feet of floor area.
Veterinarian Service	1 per each 250 square feet of floor area.
Wildlife Care Center	1 per each 660 square feet of floor area.

**(4) Parking Exempt Areas.** Uses within the parking exempt areas are not subject to the requirements of EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces:

- (a) Downtown and West University, as depicted on Map 9.6410(4)(a).
- (b) Blair Boulevard Historic Commercial area as depicted on Map 9.6410(4)(b).

**(5) Special Standards for Table 9.6410.** For Multiple-Family 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:

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- (a) At the time of building permit submittal, the applicant must submit documentation demonstrating that the housing units will be used for the intended population for a minimum of ten years. Such documentation may include, but is not limited to, an application form submitted to receive subsidy from the city or state.
- (b) Upon a change in occupancy from subsidized housing to another use, the minimum number of required off-street parking spaces is as required for the new use.

*(Section 9.6410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20280, enacted February 24, 2003, effective March 26, 2003; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20418, enacted August 11, 2008, effective August 13, 2008, remanded on June 12, 2009, and rendered ineffective; Ordinance No. 20447, enacted December 14, 2009, effective January 16, 2010; amended by Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.6415 Loading and Drive-Through Design Standards.**

- (1) Drive-Through Design Standards.** In connection with drive-through establishments, there shall be a specially designed area for vehicle stacking located on private property between the public right-of-way and the pick-up window or service area. For a single row of vehicles, the specially designed area shall be at least 200 feet in length to allow for stacking of up to 10 cars. For a double row of vehicles, the specially designed area shall be at least 100 feet in length to allow for stacking of up to 5 cars. This area shall not interfere with safe and efficient circulation on the development site or abutting public right-of-way, nor shall the location of stacking lanes prevent access to and exit from parking spaces.
- (2) Landscaping.**
  - (a) Off-street loading areas and vehicle stacking areas shall be landscaped as required by EC 9.6420(3).
  - (b) In the E-1 zone, all off-street loading spaces and uses shall be on interior service courts or screened from view from all adjacent property lines according to EC 9.6210(4) High Wall Landscape Standard (L-4).
- (3) Loading and Service Drives.** All loading spaces for commercial and employment and industrial buildings and uses shall be off the street, shall be in addition to required off-street parking spaces, and shall be served by service drives and maneuvering areas so that no backward movement or other vehicle maneuvering within a street, other than an alley, will be required.

*(Section 9.6415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.6420 Parking Area Standards.**

- (1) Dimensions and Striping.** All parking spaces shall be striped or marked in a manner consistent with Table 9.6420(1) Motor Vehicle Parking Dimensions. All tandem parking spaces shall be striped and marked in a manner consistent with Table 9.6420(1) Motor Vehicle Parking Dimensions for Tandem Parking. **(See Figure 9.6420(1) Motor Vehicle Parking Dimensions.)**
  - (a) Carpool and Vanpool Parking. New commercial and employment and industrial developments with 20 or more employee parking spaces shall designate at least 5 percent of the employee parking spaces for carpool

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or vanpool parking. Employee carpool and vanpool parking shall be located closer to the building entrance or the employee entrance than other employee parking with the exception of parking for those with disability permits. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" by use of signs painted on the parking spaces or posted.

<b>Table 9.6420(1) Motor Vehicle Parking Dimensions (Dimensions in Feet)</b>					
<b>Parking Angle in Degrees</b>	<b>Minimum Stall Width</b>	<b>Minimum Stall Depth</b>	<b>Minimum Clear Aisle Width</b>	<b>Stall Distance at Bayside</b>	<b>Minimum Clear Bay Width</b>
Parallel	8.0	7.5	12.0	15.0	19.5
	8.0	8.0	12.0	22.0	20.0
30 degrees/single	8.0	*14	12.0	15.0	26.0
	8.0	16.0	12.0	16.0	28.0
	8.5	16.4	12.0	17.0	28.4
	9.0	16.8	12.0	18.0	28.8
	9.5	17.3	12.0	19.0	29.3
	10.0	17.7	12.0	20.0	29.7
30 degrees/tandem	8.0	30.8	12.0	15.0	--
	8.0	32.0	12.0	16.0	--
	8.5	32.8	12.0	17.0	--
	9.0	33.6	12.0	18.0	--
	9.5	34.6	12.0	19.0	--
	10.0	35.4	12.0	20.0	--
45 degrees/single	8.0	*16.0	12.0	10.6	28.0
	8.0	18.4	14.0	11.3	32.4
	8.5	18.7	13.5	12.0	32.2
	9.0	19.1	13.0	12.7	32.1
	9.5	19.4	13.0	13.4	32.4
	10.0	19.8	13.0	14.1	32.8
45 degrees/tandem	8.0	35.1	12.0	10.6	--
	8.0	36.8	14.0	11.3	--
	8.5	37.4	13.5	12.0	--
	9.0	38.2	13.0	12.7	--
	9.5	38.8	13.0	13.4	--
	10.0	39.6	13.0	14.1	--
60 degrees/single	8.0	*16.7	15.0	8.6	31.7
	8.0	19.7	19.0	9.2	38.7
	8.5	20.0	18.5	9.8	38.5
	9.0	20.3	18.0	10.4	38.3
	9.5	20.5	18.0	11.0	38.5
	10.0	20.8	18.0	11.5	38.8
60 degrees/tandem	8.0	37.0	15.0	8.6	--
	8.0	39.4	19.0	9.2	--
	8.5	40.0	18.5	9.8	--
	9.0	40.6	18.0	10.4	--
	9.5	41.0	18.0	11.0	--
	10.0	41.6	18.0	11.5	--



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90 degrees/single	8.0	*15.0	22.0	8.0	37.0
	8.0	18.0	25.0	8.0	43.0
	8.5	18.0	25.0	8.5	43.0
	9.0	18.0	24.0	9.0	42.0
	9.5	18.0	24.0	9.5	42.0
	10.0	18.0	24.0	10.0	42.0
90 degrees/tandem	8.0	33.0	22.0	8.0	--
	8.0	36.0	25.0	8.0	--
	8.5	36.0	25.0	8.5	--
	9.0	36.0	24.0	9.0	--
	9.5	36.0	24.0	9.5	--
	10.0	36.0	24.0	10.0	--
<p><b>Shaded figures are the minimum dimensions for compact parking spaces. Any minimum parking dimensions, such as stall width, may be exceeded. All spaces shall be clearly marked as compact parking spaces if <u>any</u> of the parking dimensions are less than that shown in the unshaded area. All tandem spaces must be marked as such.</b></p> <p><b>* For non-parallel parking spaces that are created to serve a multi-family dwelling and that are located directly off an alley with a right-of-way width of 14-feet or less, the minimum stall depth for compact parking space shall be increased to the minimum stall depth indicated for a non-compact space with a minimum stall width of 8-feet.</b></p>					

- (2) **Drainage.** All parking areas, except those in conjunction with a single family or two family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting property. Drainage improvements shall be provided as required by the stormwater provisions of EC 9.6790 to 9.6797.
- (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 dwelling, secondary dwelling, duplex, or rowhouse.
    - b. A structured parking area. See subsection (3)(f).
    - c. A legal non-conforming parking area. See subsection (3)(a)2.
  2. Provisions Applicable to Legal Non-Conforming Parking Areas. Parking areas with legal non-conforming landscaping are subject to the following parking area landscape standards:
    - a. When a new building is constructed, the parking area landscape standards in subparagraphs (b) - (e) shall apply to a portion of the parking area sufficient to meet the requirements of EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces and to any additional parking area proposed by the applicant to serve the entire building.
    - b. When a building is expanded, the parking area landscape standards in subparagraphs (b) - (e) shall apply to a portion of the parking area that is sufficient to meet the requirements of EC 9.6410(3) Minimum Number of Required

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Off-Street Parking Spaces for the expanded area of the building and to any additional parking area proposed by the applicant to serve the expanded area of the building.

- c. When a legal non-conforming parking area is physically expanded in size (not simply changed to increase, decrease, or reconfigure the number of parking spaces) the parking area landscape standards in subparagraphs (b) - (e) shall apply only to the expanded portion of the parking area.
  - d. When a legal non-conforming gravel parking area is paved, the parking area landscape standards in subparagraphs (b) - (e) shall apply only to the paved portion of the parking area.
- (b) General Parking Area Landscape Standards. Canopy trees shall be required at the minimum rate of 1 tree for every 3,000 square feet of paved vehicular use areas on the site and shall be distributed throughout the site. Except within /TD overlay zone areas, trees shall be planted in a landscaped area such that the tree trunk is at least 3 feet from any outside curb edge or paved area. Within /TD overlay zone areas, the tree shall be planted at least 2 feet from any outside curb edge or paved area. Vehicular use areas include parking spaces, driveways, interior roadways, loading areas, and fleet vehicle storage areas. Large-scale coniferous trees may be substituted for required canopy trees at a maximum rate of 10 percent. Parking area screening requirements may be achieved through a combination of change of grade and use of plant materials. The use of berms or drainage swales is acceptable, as is lowering the grade of the parking area.
- (c) Parking Area Landscaping Along Street and Driveway Entrances.
1. Parking areas within 50' of a street, except an alley, shall provide a landscape strip between the street and the parking areas as follows:
    - a. In all areas except in the /TD overlay zone, a landscape strip at least 7 feet in width shall be provided.
    - b. Within a /TD overlay zone, a landscape strip at least 5 feet in width shall be provided.
    - c. Landscape strips along a street may be pierced by pedestrian and vehicular accessways. Landscape strips along a street shall be landscaped according to the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2). **(See Figure 9.6420(3)(c)1. Parking Area Landscaping Along a Street and Figure 9.6420(3)(c)2. Parking Area Landscaping Along a Driveway Entrance.)**
  2. Parking area driveway entrances, except at alleys, shall be provided with a landscape strip at least 7 feet in width, measured from the outside edges of 6 inch wide curbs, and the full length of the parking stall, between the entry drive and the parking area to heighten entryway visibility and improve parking area circulation. Entrance driveway landscape strips shall be landscaped according to the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2) except the height of the low screen within vision clearance area shall not exceed 18 inches. **(See**

**Figure 9.6420(3)(c)2. Parking Area Landscaping Along a Driveway Entrance.)**

- (d) Perimeter Parking Area Landscaping.
  - 1. Along the perimeter of the parking area, except for developments within a /TD overlay zone, a landscape strip, at least 7 feet in width, measured from the outside edge of a 6 inch wide curb, shall be provided. The landscape strip may be pierced by pedestrian and vehicular accessways. Where abutting lots share parking and/or loading areas, the perimeter of these shared areas shall be considered the outside of the functional areas. Perimeter landscaping shall not be required along the interior lot lines of the 2 lots that are sharing parking and/or loading areas.
  - 2. On development sites 22,000 square feet or larger with a /TD overlay zone, parking lots abutting an interior lot line, other than an alley, shall provide a landscape strip, at least 5 feet in width measured from the outside edge of a 6 inch wide curb, between the property line and the parking area. Development sites less than 22,000 square feet with the /TD overlay zone are not required to provide perimeter parking area landscaping.
  - 3. All parking areas shall provide perimeter landscaping according to the following standards:
    - a. Parking areas adjacent to property that is zoned residentially shall provide perimeter landscaping along interior yards according to EC 9.6210(3) High Screen Landscape Standard (L-3). Where loading areas abut property zoned residentially, a barrier shall be provided between the 2 uses according to EC 9.6210(4) High Wall Standard (L-4).
    - b. Parking areas adjacent to property that is not zoned residential shall provide perimeter landscaping according to EC 9.6210(2) Low Screen Landscape Standard (L-2).
- (e) Interior Parking Area Landscaping. In addition to the landscaping required in subsections (c) and (d), landscaping that meets the 70% landscape coverage requirement consistent with L-2 standards (See Figure 9.6420(3)(e)3. Parking Area Interior Planting Islands) shall be provided within the interior of surface parking areas for 50 or more motor vehicles so as to improve the visual qualities of these areas, delineate and define circulation movements of motorists and pedestrians, improve air quality, and encourage energy conservation by moderating parking area microclimates.
  - 1. Parking area landscaping shall be provided according to Table 9.6420(3)(e) Interior Parking Area Landscaping.

<b>Table 9.6420(3)(e) Interior Parking Area Landscaping</b>	
<b>Total Number of Spaces in Parking Area</b>	<b>Minimum Interior Parking Area Landscape Area</b>
50 to 99 spaces	15 square feet per parking space
100 or more spaces	22 square feet per parking space

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2. A continuous landscape strip or raised pedestrian path shall be provided between every 4 rows of parking. The landscape strip or pedestrian path shall be a minimum of 7 feet in width, measured from the outside edge of a 6 inch wide curb. **(See Figure 9.6420(3)(e)2. Interior Parking Area Landscaping.)**
  3. Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45 feet from a planting island. Planting islands shall be at least 7 feet in width, as measured from the outside edge of a 6 inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least 1 canopy tree. **(See Figure 9.6420(3)(e)3. Parking Area Interior Planting Islands.)**
- (f) Structured Parking.
1. Along the perimeter of the non-commercial portion of structured parking, a landscape strip, a minimum of 5 feet in width, shall be provided between the property line and the structure wall. Perimeter landscaping along interior yards is exempt from this requirement, if the proposed structure will be less than 15' from an existing structure measured across the common interior property line. This standard does not apply to property lines abutting an alley.
  2. Structured parking landscape strips shall be planted with shrubs and trees according to EC 9.6210(3) High Screen Landscape Standard (L-3).
- (4) Lighting.** Parking area lights shall conform with the standards in EC 9.6725 Outdoor Lighting Standards.
- (5) Loading and Service Drives.**
- (a) When 3 or more parking spaces or 1 or more loading spaces are provided on a development site, except those in conjunction with one-family or two-family residences on a single lot and those located along alleys, they all shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide safety for traffic ingress and egress, and safety of pedestrian and vehicular traffic on the site. In no case shall two-way and one-way driveways be less than 20 feet wide and 12 feet wide respectively. Up to 2 existing parking spaces serving an existing one- or two-family residence are not included in the total number of spaces at the time of redevelopment, if the existing spaces are in a different location than new parking spaces and the one- and two-family residences will remain on the development site.
  - (b) No service drive is required for parking spaces located along alleys.
- (6) Surfacing and Bumpers.**
- (a) All parking areas that contain 3 or more parking spaces, access aisles, service drives, or loading areas on a development site, except those in conjunction with one-family or two-family residences, shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. Other approved materials may include pervious paving materials.
  - (b) Areas on a development site used for the outdoor sale of vehicles are

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required to be paved, except for areas used for the sales or storage of tracked heavy equipment, mobile homes, or manufactured homes. A paved access aisle a minimum of 12 feet in width is required adjacent to all unpaved long-term vehicle storage spaces.

- (c) All parking areas that contain 3 or more parking spaces on a development site or have outdoor vehicle sales, except those required in conjunction with a 1 family or 2 family dwelling, shall provide a substantial bumper at least 2 feet from the protected area that will prevent vehicles from encroachment on abutting property or into required landscape beds or required pedestrian paths.

*(Section 9.6420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; Ordinance No. 20447, enacted December 14, 2009, effective January 16, 2010; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6430 Shared Off-Street Parking.** When 2 or more uses share common parking facilities, the total number of parking spaces required shall be the sum of spaces required for those uses individually unless a reduction is allowed under EC 9.6410(3)(a), or an adjustment is authorized pursuant to the criteria of EC 9.8030(10)(c) of this land use code.

*(Section 9.6430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20280, enacted February 24, 2003, effective March 26, 2003.)*

**9.6435 Special Event Permanent Parking Facilities.**

- (1) Applicability.** Special event parking provisions shall be applied only to parking lots in the PL Public Land zone with 1000 or more spaces on which special events such as fairs, equipment displays, and community festivals are regularly scheduled.
- (2) Professional Coordinator and Design Team.** A professional coordinator, licensed in the State of Oregon, to practice architecture, landscape architecture or engineering, or an American Institute of Certified Planners member in good standing shall ensure that required plans are prepared and executed. The professional coordinator shall also be the liaison between the applicant and the city. A design team, consisting of an architect, a landscape architect, an engineer, and a land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member shall be licensed to practice in the State of Oregon.
- (3) Allowed Adjustment to Parking Lot Design and Landscaping Standards.** Except as otherwise stated in these regulations, general parking area screening and landscape standards, and site planning provisions pertaining to pedestrian circulation, sidewalk design, height of light standards, minimum number of trees, parking area entrance driveways, visual breaks, loading and delivery areas, minimum interior parking area landscaping, interior area landscape strips, and planting islands locations and sizes may be adjusted subject to a finding of consistency with the criteria for adjustment of EC 9.8030(10)(d) of this land use code.
- (4) Pedestrian Path Design.** Routes to and through parking lots shall be clearly established by striping or shall be constructed with a different paving material to reduce conflict between pedestrians and auto traffic, and to designate motor vehicle routes.

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- (5) **Parking Lot Lights.** Parking lot lights shall conform to the standards in EC 9.6725 Outdoor Lighting Standards.
- (6) **Minimum Number of Trees.** Trees shall be provided on the development site in the amounts described in EC 9.6420(3)(b), but need not be evenly distributed throughout the parking area.

*(Section 9.6435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6440** **Adjustments to Motor Vehicle Parking and Loading Standards.** Adjustments may be made to the standards in EC 9.6410 through 9.6435 if consistent with the criteria in EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustments of this land use code.

*(Section 9.6440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Public Improvement Standards

### 9.6500 Easements.

- (1) The city may require the dedication of easements for wastewater sewers and other public utilities, and for access thereto for maintenance, of a sufficient width to meet the intended use, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2) Easements may be required along lot or parcel rear lines or side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area.
- (3) No building, structure, tree, or other obstruction shall be placed or located on or in a public utility easement. Prior to approval of a final PUD, final site review plans, or final plats, there shall appear thereon a restriction showing compliance with this subsection.

*(Section 9.6500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### 9.6505 Improvements - Specifications. All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:

- (1) **Water Supply.** All developments shall be served by the water system of the Eugene Water & Electric Board.
- (2) **Sewage.** All developments shall be served by the wastewater sewage system of the city, complying with provisions in Chapter 6 of this code.
- (3) **Streets and Alleys.**
  - (a) The developer shall grade and pave all streets and alleys in the development site. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
  - (b) The developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width, unless such streets and alleys are already paved to that width, provided the City makes findings to demonstrate consistency with constitutional requirements. All paving shall provide for drainage of all such streets and alleys, and construct curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies.
  - (c) The standard at (3)(b) may be adjusted if consistent with the criteria of EC 9.8030(19).
- (4) **Sidewalks.** Sidewalks shall be located, designed and constructed according to the provisions of this land use code, the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways, construction and design standards adopted pursuant to Chapter 7 of this code, and other

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adopted plans and policies.

- (5) Bicycle Paths and Accessways.** Bicycle Paths and Accessways shall be designed and constructed according to provisions of this land use code, the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways, construction and design standards adopted pursuant to Chapter 7 of this code, and other adopted plans and policies.

*(Section 9.6505, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010.)*



## Sign Standards

**9.6600** **Purpose of Sign Standards.** The purpose of sections 9.6600 through 9.6680 is to establish standards for the design, quality of materials, construction, size, number, location, electrification, illumination, installation and maintenance of all signs and sign structures not located within a building. The regulations are not intended to, and do not restrict, the content of sign messages. The primary basis for the sign standards are:

- (1) Private signs make use of a public resource by seeking to communicate with persons using the public right-of-way. It is necessary to regulate such signs to assure that they do not interfere with other uses of the public right-of-way.
- (2) It is necessary to the public safety that official traffic regulation devices be easily visible and free from nearby visual obstructions and distractions, such as flashing signs, an excessive number of signs, or signs in any way resembling official signs.
- (3) It is necessary to regulate the number, type and location of signs to implement the Metro Plan, such as preserving views of natural land features, waterways, and distinct local and neighborhood areas. Proliferation of signs seriously detracts from the pleasure of observing the natural scenic beauty and the human environment of the city.
- (4) It is necessary to protect residential neighborhoods from the adverse impact that signs may have on the residential atmosphere.
- (5) It is necessary to regulate the size, type and location of signs to encourage the effective use of signs as a means of communication and to provide equality and equity among sign owners and those who wish to use signs.
- (6) It is necessary to provide regulations that can be administered to allow sign owners and sign users the opportunity to realize the value of their investment and make as many of their own choices as possible while protecting the needs of the public.
- (7) The cumulative effect of numerous signs close to each other has a detrimental impact which can not be addressed in any way other than by limiting the number and size of all signs.

*(Section 9.6600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6605** **Reconciliation.** In any case where a part of the sign standards are found to be in conflict with a provision of this land use code or a building, fire, safety or health statute, ordinance, or rule, the provision which establishes a stricter standard shall prevail. In any case where a provision of the sign standards is found to be in conflict with a provision of any other city ordinance or state structural specialty code that establishes a standard less likely to promote the purposes of the sign standards, to the extent allowed by law the provisions of the sign standards shall prevail.

*(Section 9.6605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6610** **Exemptions to Sign Standards.**

- (1) Use of the signs listed in subsection (2) of this section does not affect the number or types of signs otherwise allowed under EC 9.6000 through 9.6680 of this land use code.

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- (2) Except as provided in subsection (3) of this section, the following signs are exempt from the requirements of EC 9.6600 through 9.6680, and are exempt from the requirement to obtain a sign permit if they are located on private property outside of vision clearance areas:

Addresses. Number and street name of any size. (Addresses are regulated per EC 8.005(21) Numbering of Structures and Premises and Fire Code 901.4.4 Premise Identification.)

Banners. One banner, not to exceed 32 square feet in size, may be installed on the exterior wall of a hotel, motel, convention center or auditorium in lieu of the freestanding sign exempt under this section.

Hand Held Signs. Hand carried signs of 9 square feet or less in area, worn or carried by an individual.

Historical Agency Plaques. Plaques or historical markers placed by historical agencies or organizations recognized by the city.

Message Boards. One sign per business for the purpose of communicating to persons on the development site, such as a drive through menu sign or building directory. Such a sign may be up to 6 feet in height and up to 40 square feet in area.

Murals. Painted wall highlights, wall decorations and other murals.

Non-Residential Property Signs. One freestanding sign or banner for each development site that is not used primarily for a single family dwelling or duplex. A freestanding sign may not exceed 12 square feet in size per face, with a maximum of two faces; a banner may not exceed 15 square feet in size. The maximum height of a freestanding sign under this exemption is 6 feet (from grade).

Parking Lot Signs. Signs up to 3 square feet in area and up to 5 feet in height constructed or placed within a parking lot for the purpose of directing traffic, parking, and towing. (Towing signs are regulated per EC 5.540 Signs Required for Parking Facilities Before Citing or Towing Unauthorized Vehicles.)

Public Signs. 1) Signs constructed or placed in a public right-of-way by or with the approval of a governmental agency having legal control or ownership over the right-of-way; 2) Signs owned or constructed under the direction or authorization of the city, including, but not limited to, signs installed within parks and at natural resource areas within the NR Natural Resource Zone and PRO Parks, Recreation and Open Space Zone to account for entrances, trail signs, and markers; and 3) Signs placed by a public utility for the purpose of providing information concerning a pole, line, pipe or other facility belonging to the public utility.

Residential Property Signs. Two signs for each development site used

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primarily for a single family dwelling or duplex. The signs are limited to the following types: freestanding sign or banner. A freestanding sign may not exceed 12 square feet in size per face, with a maximum of two faces; a banner may not exceed 15 square feet in size. The maximum height of a freestanding sign under this exemption is 6 feet (from grade), and it must be separated by at least 8 feet from any other freestanding sign on the same development site.

Seasonal Decorations. Lights and decorations in place during the period between November 15 and January 15.

Signs During Elections. Signs 12 square feet or less in area, located on private property during the period from 60 days before to 5 days after any public election to be held in Lane County, Oregon.

Signs on Historic Property. Signs constructed or maintained on historic property, as defined in this land use code, which signs are otherwise subject to regulation because of their location on historic property.

Stadium Signs. Signs located within a sports stadium which are intended for viewing primarily by persons within such stadium, where the stadium is enclosed by a site obscuring fence or wall at least 6 feet in height.

Traffic Directing Signs. The owner or lessor of private property may construct 1 sign at each entrance to the property and at each entrance to a building on the property for the purpose of providing direction to vehicular or pedestrian traffic. Except for signs painted on paved surfaces, each sign shall not exceed 3 square feet of surface area and shall be no more than 30 inches in height, if located in a vision clearance triangle as defined in EC 9.6780 Vision Clearance Area. If the sign is located outside a vision clearance triangle, then the sign shall be no more than 5 feet in height.

Transit Signs. Signs identifying transit stops, facilities, and bus routes only. Transit signs shall not include commercial advertising at bus stops or on transit-oriented street furnishings.

Vehicular Signs. Any sign permanently or temporarily placed on or attached to a motor vehicle, where the vehicle is used in the regular course of business for purposes other than the display of signs, except taxis whose signage is regulated by EC 3.345 Public Passenger Vehicle Services - License and/or Permit Required.

Vending in Downtown Activity Area. Signs, including portable signs, for activities authorized by Downtown Activity permits issued for private commerce on public property.

Vending Machine Signs. Any sign which forms an integral part of a machine used to dispense goods to consumers.

Wall Signs, Small. Wall signs with no interior illumination, a surface area of 6

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square feet or less and which are 8 feet or less above grade, intended for persons already on the development site.

Warning Signs. Any public notice or warning required by a valid and applicable federal, state or local law, regulation, or ordinance, and emergency warning signs erected by a governmental agency, utility company or a contractor doing authorized or permitted work within a public right-of-way.

- (3) No sign is exempt from the provisions of:
- (a) EC 9.6615 Prohibited Signs,
  - (b) EC 9.6620 Nonconforming Signs, or
  - (c) EC 9.6640 General Provisions,
- unless specifically exempted under one of those provisions.

*(Section 9.6610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20502, enacted November 26, 2012, effective December 28, 2012).*

**9.6615** Prohibited Signs. Except where qualified as a nonconforming sign, the following signs are unlawful and are declared to be nuisances:

- (1) Any sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device.
- (2) Any sign written or placed upon or within a motor vehicle with the primary purpose of providing a sign not otherwise allowed by the sign standards.
- (3) Any sign constructed, maintained or altered in a manner not in compliance with the sign standards.
- (4) Balloons and banners (pursuant to EC 9.6605 Reconciliation, banners exempt under EC 9.6610(2) and signs permitted as public signs are not included within this prohibition);
- (5) Decorative laser signs, search lights, and flashing signs, except electronic message centers;
- (6) Inflatable signs other than balloons;
- (7) Portable signs, except as authorized by a permit within the Downtown Activity Zone and warning signs as permitted by EC 9.6605 Reconciliation;
- (8) Strings of lights not permanently mounted to a rigid background or otherwise qualified as seasonal decorations; and
- (9) Signs in the public right-of-way not authorized by a governmental agency.

*(Section 9.6615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20502, enacted November 26, 2012, effective December 28, 2012).*

**9.6620** Nonconforming Signs.

- (1) Nonconforming signs may be maintained subject to the following conditions:
  - (a) No additions or enlargements may be made to a nonconforming sign except additions or enlargements required by law.
  - (b) If any nonconforming sign is moved, voluntarily or involuntarily, that sign shall thereafter conform to the requirements of the sign standards as a newly constructed sign.
  - (c) Any sign which is constructed to replace a nonconforming sign shall be

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constructed in compliance with all applicable provisions of the sign standards.

- (2) Whenever a nonconforming sign is damaged or destroyed to the extent of 50 percent or less of its value as of the last date of use, it may be restored and the use of the sign which existed at the time of the damage or destruction may be continued, if such restoration is started within a period of 90 days of such damage or destruction and is diligently pursued thereafter.
- (3) Except where only a change in display copy is made, any nonconforming sign which is structurally altered or has illumination installed shall be brought into compliance with all applicable provisions of the sign standards within 90 days and shall thereafter be kept in compliance with the sign standards.
- (4) Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign intended for such purposes.
- (5) The provisions of subsection (6) of this section and subsection (2) of EC 9.6635 Approval of Permit Application do not apply to signs in existence pursuant to a validly issued sign permit as of July 1, 1990, along Goodpasture Island Road from a point 300 feet north of the intersection with Valley River Way to a point 1400 feet north of the intersection. The provisions of subsection (2) of this section shall apply except that restoration of a damaged sign shall be allowed where a sign is damaged to the extent of 100 percent of its value. All other provisions of this section shall apply.
- (6) All signs with a surface area of 200 square feet or greater shall be removed or brought into compliance with this land use code by April 1, 2003.

*(Section 9.6620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.6625 Permit Required.**

- (1) Except as provided in EC 9.6610 Exemptions to Sign Standards, no person shall construct any sign unless a sign permit for that sign has been issued by the city. A sign permit for the construction and continued use of a sign shall be subject to the terms and conditions stated in the permit and to the sign standards.
- (2) Maintenance of a sign or sign structure shall not require a sign permit.
- (3) Failure to abide by the terms of a sign permit or applicable provisions of the sign standards shall invalidate a sign permit. The building and permit services manager may take such steps as are necessary to abate such a sign as a public nuisance.

*(Section 9.6625, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.6630 Permit Application.**

- (1) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager - Authority to Set Fees and Charges. When a person begins construction of a sign requiring a sign permit before the permit is issued, the permit fee shall be doubled. Payment of a double permit fee shall not otherwise exempt the person from liability for other penalties prescribed for a violation of the sign standards.
- (2) No application shall be considered, nor a permit issued until the applicant has submitted a complete application, including a set of plans for the proposed sign and structural calculations where required. A complete application shall

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be an application where all required information is provided to allow the city to make a determination on the application. If a sign permit application is not determined complete by the city within 180 days of submittal, it shall expire.

- (3) The city shall grant or deny a sign permit application within 21 calendar days following receipt of a complete application.
- (4) When required, the applicant shall submit proof that work will be done by a contractor licensed in compliance with local or state law to perform the specialized tasks required for construction of the proposed sign.

*(Section 9.6630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20502, enacted November 26, 2012, effective December 28, 2012).*

### **9.6635 Approval of Permit Application.**

- (1) The building and permit services manager shall approve a sign permit upon finding that the applicant has met all requirements of the sign standards.
- (2) No permit shall be approved for the construction of a sign where the applicant or business occupant intending to use the proposed sign presently owns or uses a nonconforming sign in conjunction with a business located at the development site proposed as the location of the new sign.
- (3) No permit shall be issued for a use which is not allowed in the zone in which the development site is located.
- (4) An approved sign permit shall expire 180 days after the applicant has been notified of the permit approval unless the applicant has paid all fees and the approved permit has been issued to the applicant.
- (5) Unless the permit holder requests an extension of the permit and demonstrates good cause for such an extension, a sign permit shall expire if the sign construction or other work authorized by a sign permit is not completed within 180 days after the date of issue.
- (6) No sign construction shall be considered finally complete until the permit holder has notified the city that work is finished and the city has inspected the sign and is satisfied that the sign construction has been completed in conformity with the approved plans and otherwise complies with the sign standards.
- (7) If a permit is denied, the applicant shall receive a notice of denial in writing, setting forth the reasons for the denial.
- (8) A decision granting or denying a sign permit may be appealed to a hearings official. Appeals are processed according to other Type II applications beginning at EC 9.7200 General Overview of Type II Application Procedures. The decision of the hearings official is final.

*(Section 9.6635, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.6640 General Provisions.**

- (1) **Compliance with the Uniform Building Code.** All signs requiring a development permit shall be constructed in accordance with the State of Oregon Structural Specialty Code in effect at the time of permit application submittal.
- (2) **Limitation of Sign Types.** All signs not expressly permitted under the sign standards or exempt from regulation in accordance with EC 9.6610 Exemptions to Sign Standards are prohibited.
- (3) **Calculation Standards.** For purposes of calculation of all areas and

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distances under the sign standards, the following apply:

- (a) **Street Frontage**. Except as otherwise provided, the limitations on numbers of signs permitted on a development site is based on the development site having only 1 street frontage. Development sites fronting on 2 or more streets are allowed the number of signs permitted for each street frontage. However, the total number of signs that are oriented toward a particular street may not exceed the portion of the development site's total sign allocation that is derived from the frontage on that street.
  - (b) **Perimeter Walls**. The exterior wall of a building shall be measured at the floor level of each floor, including the ground floor. Alcoves, entryways and extruding portions shall be treated by measuring through such areas as though along the flat wall of a building. The length of each perimeter wall shall be the average of the floor lengths on that wall. **(See Figure 9.6640(3)(b) Perimeter Wall Area for Sign Standards.)**
  - (c) **Back-to-Back Sign Area**. When 2 sign faces supported by the same sign structure are placed back-to-back, the sign surface area shall be the area of the larger sign. As used herein, back-to-back means signs which face in opposite directions and are parallel or form an angle of no greater than 30 degrees.
  - (d) **Sign Area**. The area of all sign elements which together convey a single, complete message shall be combined and considered as a single sign. The area of a sign face shall be the entire area of each sign element included within a single, continuous perimeter which encloses the extreme limits of a sign, except for trim or structural elements lying outside all portions of the sign devoted to display, and in no case passes through or between any adjacent elements of the sign. Irregularly shaped signs or elements of a sign shall be measured in increments of 1 foot. **(See Figure 9.6640(3)(d) Sign Area Calculation.)**
  - (e) **Rotating Signs**. For rotating signs, each side or element containing display copy shall be counted in the total allowable sign area.
  - (f) **Sign Height**. The sign height is the vertical distance from the grade to the highest point of a sign or sign structure. All sign heights, including roof signs, shall be measured from the grade. **(See Figure 9.6640(3)(f) Sign Height Calculation.)**
- (4) Location Standards.**
- (a) **Setbacks**. All signs shall comply with the setback requirements beginning at EC 9.2000 through EC 9.3915 and EC 9.6745 **Setbacks - Intrusions Permitted**. Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the E-1 zone may be installed at least 5 feet from the front property line.
  - (b) **Obstruction Prohibited**. No sign shall substantially obstruct the view of another sign when the obstructed sign is viewed from a distance of 200 feet along the closest sign-facing travel lane in the public right-of-way.
  - (c) **Projecting Over the Public Way**. Except as specified in EC 9.6670 **Central Commercial Sign Standards**, no privately owned sign may project over any public right-of-way.

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- (d) Vision Clearance. Signs must comply with vision standards as specified in EC 9.6780 Vision Clearance Area. (See also EC 9.6255 Vision Clearance Area Landscaping.)
- (5) Construction Standards.**
- (a) Structural Design. Signs shall comply with adopted state building codes.
- (b) Clearance Over Pedestrian Way. The minimum clearance of all signs projecting over a pedestrian way shall be 8 feet except that where a marquee projects more than 2/3 of the distance from the property line to the curb, the minimum clearance shall be 12 feet.
- (c) Clearance Over Vehicle Use Area. The minimum clearance of all signs projecting over any portion of a vehicle use area shall be 16 feet. Bollards or other physical barriers capable of protecting all portions of the sign projecting over the vehicle use area may be used to satisfy this standard.
- (d) Rotating Signs. No sign shall rotate or have a rotating or moving part or parts that revolve at a speed in excess of 2 revolutions per minute. Readerboard signs shall not rotate.
- (e) Roof Signs. Roof signs shall be mounted so that the bottom of the roof sign is not more than 1 foot above the surface of the roof or parapet wall at the sign location.
- (f) Wall Signs. Wall signs shall project a maximum of 12 inches when the wall sign is more than 8 feet above grade and a maximum of 4 inches when the wall sign is less than 8 feet above grade.
- (6) Illumination Standards.**
- (a) Maximum Exposed Illumination. No single light source element which exceeds 15 watts shall be used in connection with a sign or to illuminate a sign in a way which exposes the face of the bulb, light or lamp when viewed from a public street.
- (b) Glare Reduction. No sign shall be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof. Exterior illumination shall be top mounted and shielded to aim light downward only.
- (c) Illumination From Signs on Nonresidential Property. Illumination resulting from all signs and lighting on any property in a non-residential zone shall not exceed 2 foot candles at a height of 5 feet when measured at any point on property in a residential zone. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.
- (d) Illumination From Signs on Residentially Zoned Property. No internally illuminated sign shall be allowed on property in a residential zone. Lighting from all light sources operated for the purposes of sign illumination on property in a residential zone shall be shielded from other property in the residential zone and shall not be more than 2 foot candles at the closest street or property line.
- (7) Readerboard Standards.** Except as specified in EC 9.6670 Central Commercial Sign Standards, no sign within 15 feet of a street property line



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shall have a proportion greater than 40 percent of the sign face used as a readerboard sign.

- (8) **Maintenance.** All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition, free from excessive rust, corrosion, peeling paint or other surface deterioration.
- (9) **Electronic Message Centers.** Except electronic message centers operated as public signs by governmental agencies, no electronic message center, or portion of a sign used as an electronic message center, shall be larger than 3 square feet in area, display a message containing more than 5 characters, or change the displayed message at intervals of less than once every 3 seconds. No electronic message center, except for temporary construction use, shall exceed a maximum one-hour equivalent A-weighted sound pressure level of 50 dBa at the receiving property line when the receiving property is occupied by a dwelling, hospital, school, library or assisted care center.

*(Section 9.6640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.6645 Applicability of Sign Standards.**

- (1) No sign permit shall be issued for any sign unless specifically identified as an allowed sign use under the terms of the applicable sign standards or otherwise allowed a permit under EC 9.6620 Nonconforming Signs or EC 9.6610 Exemptions to Sign Standards.
- (2) Except as otherwise specified, signs located on property zoned S Special Zone shall be subject to the provisions of:
  - (a) EC 9.6650 Residential Sign Standards, if the use thereon is primarily characterized as residential,
  - (b) EC 9.6680 Employment and Industrial Sign Standards, if employment or industrial, or
  - (c) EC 9.6660 General Commercial Sign Standards.
- (3) Property within an area subject to a change in zoning shall be governed by the provisions of the sign standards applicable to the new zone upon the effective date of the order amending the zoning map or part of said map. Completed applications for sign permits made before the effective date of the zone change will be considered under the provisions of the sign standards applicable to the zone existing at the time the application was submitted. All legally established signs which are not in compliance with the provisions of the sign standards applicable to the new zone applied shall be considered legal nonconforming signs.
- (4) Except as otherwise specified, signs located on property subject to a new zoning classification created after August 1, 2001 shall be included in and subject to the provisions of EC 9.6650 Residential Sign Standards.
- (5) For the purpose of these sign standards, tax lots or development sites with no street frontage shall be considered to have one street frontage.

*(Section 9.6645, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

9.6650

**Residential Sign Standards.** The residential sign standards are hereby created and applied to all land zoned as set forth below. Signage is limited to preserve the character of the area by allowing signs only for residential purposes and for non-residential uses allowed in the applicable zone.

- (1) **Corresponding Zones.** The provisions of this section apply to all property lying within the following zones: AG, NR, PRO, R-1, R-1.5, R-2, R-3, and R-4.
- (2) **Permitted Sign Types.** Signs allowed under residential sign standards are limited to the following types:
  - (a) Awning signs;
  - (b) Freestanding signs;
  - (c) Readerboards; and
  - (d) Wall signs.
- (3) **Maximum Number of Signs.** The number of signs residential sign standards allow is based on the number of street frontages and is limited to no more than the following amounts for each street frontage:
  - (a) One wall sign per dwelling unit used as a single family dwelling.
  - (b) One freestanding, wall or awning sign for each development site used for multiple family dwellings.
  - (c) One permanent subdivision or planned unit development sign for each development site used or planned as a subdivision or planned unit development, and one permanent manufactured dwelling park sign for each manufactured dwelling park.
  - (d) One temporary subdivision sign or planned unit development sign for each development site planned or used as a subdivision or planned unit development. Such temporary sign must be constructed in connection with the offer for sale of any parcel or unit and may remain in place for 1 year, subject to renewal for no more than 1 additional year at a time where parcels or units remain unsold.
  - (e) One freestanding, wall, or awning sign for each development site used for non-residential purposes.
- (4) **Maximum Sign Area.** The residential sign standards apply the following size limitations:
  - (a) **Freestanding Signs.**
    1. Located on property used for residences other than one- or two-family dwellings shall be no more than 12 square feet for 1 face and 24 square feet for 2 or more faces.
    2. Located on non-residentially used property or classified as a permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
    3. Classified as temporary subdivision or planned unit development sales signs shall be no more than 64 square feet in area for 1 or more faces.
  - (b) **Wall and Awning Signs.**
    1. Located on property used for single family dwellings shall be no more than 1.5 square feet in area.
    2. Located on property used for multiple family dwellings shall be no more than 12 square feet in area.
    3. Located on property used for non-residential purposes shall be no more than 32 square feet in area for 1 or more faces.

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4. Classified as a permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
  5. Classified as a temporary subdivision or planned unit development sign shall be no more than 64 square feet for 1 or more surfaces.
- (5) Maximum Height.** All freestanding signs shall be no more than 5 feet in height, except temporary subdivision signs, which shall be no more than 8 feet in height.

*(Section 9.6650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.6655 General Office Sign Standards.** The general office sign standards are hereby created and applied to all land as set forth below. Signs are regulated to accommodate the office buildings and other public uses that are commonly located within these zones and because of the proximity of residential areas.

- (1) Corresponding Zones.** The provisions of this section apply to all property located within the following zones: GO and PL.
- (2) Permitted Sign Types.** Signs allowed under general office sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Electronic message centers;
  - (c) Freestanding signs;
  - (d) Marquee signs;
  - (e) Readerboards;
  - (f) Under-marquee signs; and
  - (g) Wall signs.
- (3) Maximum Number of Signs.** The number of signs the general office sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:
  - (a) One freestanding sign per occupied building;
  - (b) One under-marquee sign per business occupant; and
  - (c) One awning, marquee or wall sign per business occupant.
- (4) Maximum Sign Area.** In addition to all other standards, the general office sign standards shall apply the following size limitations:
  - (a) A freestanding sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
  - (b) The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general office sign standards apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located.
  - (c) No awning, marquee, under-marquee, or wall sign may exceed 100 square feet per face.
- (5) Maximum Height.** A freestanding sign shall be no more than 8 feet in height.

*(Section 9.6655, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6660 General Commercial Sign Standards.** The general commercial sign standards are hereby created and applied to all land as set forth below. Sign limitations reflect the commercial nature of the area and the amount of vehicular traffic.

- (1) Corresponding Zones.** Except as otherwise provided in the shopping center and highway commercial sign standards, the provisions of this section apply to

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all property located within the following zones: C-1 or C-2.

- (2) **Permitted Sign Types.** Signs allowed under these standards shall be limited to the following types:
- (a) Awning signs;
  - (b) Electronic message centers;
  - (c) Freestanding signs;
  - (d) Marquee signs;
  - (e) Readerboards;
  - (f) Roof signs;
  - (g) Under-marquee signs; and
  - (h) Wall signs.
- (3) **Maximum Number of Signs.** The number of signs general commercial sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:
- (a) If the development site is occupied by only 1 business occupant:
    - 1. One under-marquee sign, and
    - 2. One awning, marquee, or freestanding sign.
    - 3. The business occupant may substitute 2 wall signs on separate walls, or 2 single-faced roof signs, or 1 wall and 1 single-faced roof sign for the free-standing sign permitted in paragraph (a)2. of this subsection.
  - (b) If the development site is occupied by more than 1 business occupant:
    - 1. One under-marquee sign per business;
    - 2. One awning, marquee or wall sign per business; and,
    - 3. One freestanding sign, or 2 single-faced roof signs, or 2 additional wall signs, or 1 additional wall sign and 1 single-faced roof sign per development site, provided that such additional wall signs are placed on separate walls.
- (4) **Maximum Sign Area.** In addition to all other standards, the general commercial sign standards shall apply the following size limitations:
- (a) Freestanding signs and roof signs shall not exceed 40 square feet in area for 1 face and 80 square feet in area for 2 or more faces for each business occupant on a development site. The maximum sign area when 2 business occupants are on the development site shall not exceed 80 square feet for 1 face or 160 square feet for 2 or more faces. The maximum sign area when 3 or more business occupants are on the development site shall not exceed 100 square feet for 1 face and 200 square feet for 2 or more faces.
  - (b) Wall, awning, marquee and under-marquee signs:
    - 1. The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general commercial sign standards apply shall be limited to 1.5 square feet times the length of the perimeter wall upon which the signs are located.
    - 2. No sign shall exceed 100 square feet per face or 200 square feet for 2 or more faces.
- (5) **Maximum Height.** All freestanding signs and roof signs shall be no more than 20 feet in height.

*(Section 9.6660, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6665** **Shopping Center Sign Standards.** The shopping center sign standards are hereby created and applied to all land as set forth below. Sign limitations in these standards accommodate the special commercial character of these areas and the residential areas which are close to most shopping centers.

- (1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards on which a shopping center is located and which is within the following zones: C-1 or C-2.
- (2) **Permitted Sign Types.** Signs allowed under the shopping center sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Electronic message centers;
  - (c) Freestanding signs;
  - (d) Marquee signs;
  - (e) Readerboards;
  - (f) Roof signs;
  - (g) Under-marquee signs; and
  - (h) Wall signs.
- (3) **Maximum Number of Signs.** Except as provided in subparagraph (b) of this subsection, the number of signs shopping center sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:
  - (a) There shall be no limitation on the number of free-standing or roof signs, except that no freestanding or roof sign shall be placed within 200 feet of another freestanding or roof sign on that development site.
  - (b) Two wall, marquee or awning signs per business occupant, however, no business occupant shall have more than 3 wall or awning signs regardless of the number of street frontages. If a second or third sign is located on the same wall, it may be no larger than 40 square feet.
  - (c) One under-marquee sign per business occupant.
- (4) **Maximum Sign Area.** In addition to all other standards, shopping center sign standards shall apply the following size limitations:
  - (a) Awning, marquee and wall signs: the sum of the area of all such signs on any wall where the shopping center sign standards apply shall be limited to 1.5 square feet times the length of the perimeter wall upon which the signs are located.
  - (b) No freestanding or roof sign shall exceed 100 square feet of surface area for any 1 face and 200 square feet for 2 or more faces.
  - (c) Each wall, awning, marquee and under-marquee sign shall be less than 200 square feet for 1 face or less than 400 square feet for 2 or more faces.
- (5) **Maximum Height.** Freestanding and roof signs where the shopping center sign standards apply shall not be more than 20 feet in height.

*(Section 9.6665, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6670** **Central Commercial Sign Standards.** The central commercial sign standards are hereby created and applied to all property within the central commercial zones as set forth below. Signs are restricted in recognition of the high density usage of these areas, where pedestrian traffic is heavy and vehicular traffic is commonly limited.

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- (1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards which is zoned C-3, to property within the S-DR Downtown Riverfront Special Area Zone, to property within the S-F 5th Street Special Zone, and to those portions of the S-RP Riverfront Park Special Zone which are not within 200 feet of the Franklin Boulevard center line.
- (2) **Permitted Sign Types.** Signs allowed under the central commercial sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Electronic message centers;
  - (c) Freestanding signs;
  - (d) Marquee signs;
  - (e) Projecting signs;
  - (f) Readerboards;
  - (g) Roof signs;
  - (h) Under-marquee signs; and
  - (i) Wall signs.
- (3) **Maximum Number of Signs.** The number of signs central commercial sign standards allow shall be limited to no more than 1 electronic message center, freestanding, projecting sign, readerboard, or roof sign per development site street frontage. The number of allowed awning, marquee, under-marquee and wall signs is not limited.
- (4) **Maximum Sign Area.** In addition to all other standards, the central commercial sign standards shall apply the following size limitations:
  - (a) Freestanding, roof, and projecting signs shall be no more than 100 square feet for 1 face and 200 square feet for 2 or more faces.
  - (b) Awning, marquee, under-marquee and wall signs shall be less than 200 square feet per face and less than 400 square feet for 2 or more faces.
  - (c) The sum of the area of all signs, except under-marquee signs, shall be limited to 1.5 square feet times the number of floors in a building times the length of the building's perimeter walls. The area of wall, marquee, awning and projecting signs shall be calculated on the basis of the wall upon which the signs are located.
  - (d) In any event, each development site without a building shall be allowed a maximum sign area of 50 square feet.
- (5) **Maximum Height.** No freestanding or roof signs may be more than 20 feet in height.
- (6) **Special Provisions.** The following signs are subject to special provisions:
  - (a) Theaters may use readerboard signs. On theaters, there shall be no limit on the size of the readerboard sign.
  - (b) Awnings, marquees and projecting signs may project over public rights-of-way. The city shall have the right to require a revocable permit under Chapter 7 of this code, unless the projections are required by EC 9.4085(7).
    1. Awnings and marquees may project a maximum of 7 feet into the public right-of-way.
    2. Projecting signs may project a maximum of 4.5 feet into the public right-of-way.
    3. No sign may project into a public right-of-way to a point within 2 feet of the vertical plane of any street (curb face), alley or

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driveway.

4. No sign may project into an alley clearance area. The "alley clearance area" is the area formed by a line drawn from the intersecting point of a sidewalk or other public way and a public alley at an angle of 30 degrees from the projection of the boundary of the alley into the intersecting public way. **(See Figure 9.6670(6)(b) Projecting Sign Area.)**
5. No sign may project from a building at the corner of 2 streets more than 1 foot for every 5 feet of distance from the point where the building wall on which the sign is attached would intersect the curb if that wall extended to the curb. **(See Figure 9.6670(6)(b) Projecting Sign Area.)**

*(Section 9.6670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.6675 Highway Commercial Sign Standards.** The highway commercial sign standards are hereby created and applied to all land as set forth below. Signs in this area are regulated to accommodate the mixed uses of the areas and the presence of major streets with high traffic volumes.

**(1) Corresponding Zones.** The provisions of this section apply to that property within the S-RP Riverfront Park Special Zone located within 200 feet of the Franklin Boulevard center line and to property within the C-1, C-2, C-3, or any employment and industrial zone with frontage along the following named streets:

- (a) Beltline Road from 11th Avenue to Roosevelt Boulevard;
- (b) Broadway from Mill Street to Franklin Boulevard;
- (c) Coburg Road from 6th Avenue to 200 feet north of Frontier Drive;
- (d) Franklin Boulevard east from Broadway, including the north-south segment;
- (e) Garfield Street from 11th Avenue to 5th Avenue;
- (f) Goodpasture Island Road from Valley River Drive to 1,700 feet north;
- (g) Highway 99 North;
- (h) I-5 from Henderson Avenue to 300 feet north of Laurel Hill Drive;
- (i) I-5 on the north side only, from 720 feet east of Henderson Avenue to 1,330 feet east of Henderson Avenue;
- (j) I-105 from the Coburg interchange to Scout Access Road;
- (k) Mill Street from Broadway to Coburg Road;
- (l) Railroad Boulevard;
- (m) 6th Avenue east of conjunction with Highway 99 North;
- (n) 7th Avenue east of conjunction with Highway 99 North; and
- (o) 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.

**(2) Permitted Sign Types.** Signs allowed under the highway commercial sign standards shall be limited to the following types:

- (a) Awning signs;
- (b) Billboards;
- (c) Electronic message centers;
- (d) Freestanding signs;

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- (e) Marquee signs;
  - (f) Projecting signs;
  - (g) Readerboards;
  - (h) Roof signs;
  - (i) Under-marquee signs; and
  - (j) Wall signs.
- (3) **Maximum Number of Signs.** The highway signs standards shall have no limit on the number of signs permitted except that no freestanding or roof sign may be constructed within 200 feet of any other freestanding or roof sign on the development site, regardless of the number of street frontages.
- (4) **Maximum Sign Area.** In addition to all other standards, the highway sign standards shall apply the following size limitations:
- (a) Freestanding signs and roof signs shall not exceed 100 square feet in area for 1 face and 200 square feet for 2 or more faces.
  - (b) Notwithstanding any other provision except (6)(c) of this section, the sum of the area of all billboards, awning signs, marquee signs, projecting signs, and wall signs located on a single development site where the highway sign standards apply shall be limited to 1 square foot times the length of the perimeter wall upon which the signs are located. If not located on a wall, the area of any billboard located on the development site shall be included in the total sign area attributed to that site.
  - (c) No awning, marquee, under-marquee, projecting or wall sign may exceed 100 square feet for any 1 face, and no awning, marquee or projecting sign may exceed 200 square feet for 2 or more faces.
  - (d) Notwithstanding the number of street frontages, no business occupant shall use more than 1000 square feet of sign surface area, including billboards, at any single development site.
- (5) **Maximum Height.** All billboards, freestanding signs and roof signs shall be no more than 30 feet in height.
- (6) **Billboards.** Billboards shall be subject to the following standards:
- (a) Billboards located along the streets named in subsection (1)(b) through (1)(g) and (1)(k) through 1(o) of this section shall not exceed 250 square feet in surface area.
  - (b) Billboards located on developed property along streets named in subsection 1(a) and (1)(h) through (1)(j) of this section shall not exceed 300 square feet in surface area.
  - (c) A billboard may be located on an otherwise vacant lot abutting any street designated in this section, provided that the billboard does not exceed the maximum size for billboards along such a street, and does not otherwise violate any provision of this land use code.
  - (d) Cutouts. The maximum allowable area of any billboard may be increased by a supplemental sign element no larger than 20 percent of the total surface area of the billboard. The additional sign element must be attached to the billboard and refer to or relate to the sign copy displayed on the face of the billboard.
  - (e) Billboard Locations. Billboards may be located only on property abutting a street designated for the location of billboards.
  - (f) Billboard Distances. Notwithstanding any other provision of the sign standards, no billboard may be located within 350 feet of another



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- billboard where the billboards are located on the same side of the street. Further, no billboard may be located within 150 feet of another billboard when the billboards are located across the street. These distances between billboards shall be measured along the centerline of the street designated to be a location for billboards.
- (g) **Billboard Orientation.** All billboards must be placed within 100 feet of a street designated for the location of billboards and must be oriented toward 1 of the directions of travel along the street designated for the location of billboards.
  - (h) **Billboard Maximums.** Notwithstanding any other provision of the sign standards, the total area of all billboard sign faces oriented in the same direction shall not exceed 1300 square feet in any one-half mile of street frontage designated for the location of billboards.
  - (i) **Billboard Removal.** The owner of a billboard shall provide the city written notice of the owner's intent to remove a billboard not more than 60 days nor less than 30 days before the removal of the billboard.
    - 1. The owner of a billboard who has notified the city of the owner's intent to remove the billboard may submit an application for the construction of a replacement billboard. If the proposed replacement billboard is to be at any location within ½ mile of the location of the removed billboard, and if the application is submitted within 30 days of the date of the removal of the billboard, such application shall be given preference over any sign permit application previously submitted but not yet approved which would have an effect on the determination of the application for a replacement billboard.
    - 2. If no such application is submitted by the owner of a billboard to be removed within 30 days after the billboard is removed, the city may grant a sign permit to any applicant, even if that permit precludes the replacement of the billboard.

*(Section 9.6675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and administratively amended March 10, 2005; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6680** **Employment and Industrial Sign Standards.** The employment and industrial sign standards are hereby created and applied to all property zoned for employment and industrial use as set forth below. Signs are regulated to accommodate the minimal street frontage of most parcels and the general proximity to highways and arterial streets.

- (1) Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards and located within the following zones: all employment and industrial zones.
- (2) Permitted Sign Types.** Signs allowed under the industrial sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Billboards;
  - (c) Electronic message centers;
  - (d) Freestanding signs;
  - (e) Marquee signs;
  - (f) Projecting signs;

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- (g) Readerboards;
  - (h) Roof signs;
  - (i) Under-marquee signs; and
  - (j) Wall signs.
- (3) **Maximum Number of Signs.** The employment and employment and industrial sign standards shall have no limit on the number of signs permitted except that no freestanding or roof sign may be constructed within 200 feet of any other freestanding or roof sign on the development site, regardless of the number of street frontages.
- (4) **Maximum Sign Area.** The employment and employment and industrial sign standards shall apply the following size limitations:
- (a) Freestanding and roof signs shall not exceed 100 square feet in area for 1 face and 200 square feet for 2 or more faces.
  - (b) Notwithstanding any other provision, the sum of the area of all billboards, awning signs, marquee signs, projecting signs, and wall signs located on a single development site where the employment and employment and industrial sign standards apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located. If not located on a wall, the area of any billboard located on the development site shall be included in the total sign area attributed to that site.
  - (c) Awning, marquee, projecting or wall signs shall be less than 200 square feet for any 1 face, and less than 400 square feet for 2 or more faces.
  - (d) Notwithstanding the number of street frontages, no business occupant shall use more than 1000 square feet of sign surface area, including billboards, at any single development site.
- (5) **Maximum Height.** All billboards, freestanding signs and roof signs shall be no more than 30 feet in height except freestanding signs up to 5 feet in height are allowed in the E-1 zone at a minimum of 5 feet from the front property line.
- (6) **Billboards.** Billboards regulated by the employment and industrial sign standards shall be subject to the following:
- (a) Billboards shall be permitted only along property which abuts the following named streets:
    1. Garfield Street north of 5th Avenue to the intersection of Roosevelt Boulevard.
    2. Seneca Street north of 11th Avenue to the intersection of Roosevelt Boulevard.
    3. Bertelsen Road north of 11th Avenue to the intersection of Roosevelt Boulevard.
    4. Obie Street north of 11th Avenue to the end of the street, but no further north than the intersection of Stewart Road.
    5. West 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.
  - (b) No billboard shall exceed 250 square feet in area.
  - (c) Notwithstanding the required connection between perimeter wall size and billboard size established in (4)(b) of this section, a billboard not to exceed 200 square feet may be located on an otherwise vacant lot abutting any street designated in this section.
  - (d) The provisions of EC 9.6675(6)(d) to (i) shall apply to all billboards in areas regulated by the employment and industrial sign standards.

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*(Section 9.6680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

## Site Development Standards

**9.6700 Purpose of Site Development Standards.** Certain standards are required for development on all sites within the city or within a particular area, regardless of the zoning of the site. These standards are necessary to fulfill the general purpose of this land use code in EC 9.0020 Purpose.

*(Section 9.6700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6703 Driveways and Internal Circulation**

- (1) Unless otherwise permitted in this code, driveways abutting an arterial or major collector street that serve a commercial, employment and industrial or multi-family development shall be a minimum of 20 feet wide.
- (2) If eight or more single-family or duplex dwellings will share one access connection, the driveway shall be designed and constructed as a private street in accordance with EC 9.6875.
- (3) Development sites that will generate 100 or more peak hour vehicular trips in any peak hour per the Institute of Transportation Engineer's Trip Generation shall comply with all of the following:
  - (a) All driveways shall have a minimum 50-foot internal vehicle stacking area. The internal vehicle stacking area is measured from the back of the sidewalk to centerline of the first internal circulation driveway or parking aisle, and is designed to queue vehicles exiting the development site and to prevent vehicles entering the development site from blocking the flow of traffic on the public street or causing unsafe conflicts with the on-site circulation.
  - (b) The development site shall provide internal circulation to accommodate emergency and delivery vehicles accessing the development site.
- (4) The standard at (3)(a) may be adjusted if consistent with the criteria of EC 9.8030(27).

*(Section 9.6703 added by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6705 Development in Flood Plains - Purpose.** It is the purpose of sections 9.6705 to 9.6709 to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by adopting provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money and costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard.
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (8) Ensure that those who occupy the areas of special flood hazard assume

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responsibility for their actions.

*(Section 9.6705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6706**     **Development in Flood Plains.** All development proposed for location in Special Flood Hazard Areas or Floodways as identified by the Federal Emergency Management Agency in the scientific and engineering report entitled "The Flood Insurance Study for Lane County, Oregon and Incorporated Areas" and associated Flood Insurance Rate Maps dated June 2, 1999 and any amendments thereto adopted by the city, effective at the time of the land use or development permit application, shall comply with the provisions of this code.

*(Section 9.6706, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6707**     **Special Flood Hazard Areas - Development Permit.**

- (1) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 9.6706. The permit shall be for all structures including manufactured homes as defined in this land use code, and for all other development including fill and other activities, as also defined in section 9.0500. Application for a development permit shall be made on forms furnished by the building official and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is specifically required:
  - (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
  - (b) Elevation in relation to mean sea level to which any structure has been flood proofed.
  - (c) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing standards in section 9.6709.
  - (d) A description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- (2) The building official or his/her designee shall administer and implement the provisions of sections 9.6705 to 9.6709 by granting or denying development permit applications in accordance with their provisions. In connection therewith, the duties of the building official or designee shall include, but not be limited to:
  - (a) Review of all development permits to determine that the permit requirements of sections 9.6705 to 9.6709 have been satisfied;
  - (b) Review of all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies, including the city, from which prior approval is required;
  - (c) Review of all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the building official shall assure that the encroachment provisions of section 9.6709 are met;
  - (d) Obtaining, reviewing and reasonably utilizing any base flood elevation and floodway data available from a federal, state, or other source in order to administer the provisions of section 9.6709 (2) subsections (a)

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- and (b), if the base flood elevation data has not been provided in accordance with subsection (1) of this section.
- (e) Obtaining and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (d) of this section;
  - (f) Verifying and recording the actual elevation (in relation to mean sea level) and maintaining the floodproofing certifications required in subsection (1) of this section for all new or substantially improved floodproofed structures;
  - (g) Notifying adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Insurance Administration;
  - (h) Requiring that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished; and
  - (i) Maintain for public inspection all records pertaining to the provisions of sections 9.6705 to 9.6709.
- (3) Within 5 days of the decision, the building official shall mail a notice of the decision and of the opportunity to appeal to the applicant and owners and occupants of property located within 100 feet of the subject property.
- (4) The decision of the building official may be appealed to the hearings official in the manner provided in this land use code.

*(Section 9.6707, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.6708**    **Special Flood Hazard Areas - Variances.** The building official may approve, conditionally approve, or deny an application for a variance from the provisions of sections 9.6705 to 9.6709, except that no variance shall be allowed within a floodway. The building official's decision shall be based on the following criteria:
- (1) Compliance with applicable provisions of this land use code;
  - (2) Consideration of all technical evaluations, other relevant factors and standards set forth in section 9.6709, and:
    - (a) The danger that materials may be swept onto other lands to the injury of others;
    - (b) The danger to life and property due to flooding or erosion damage;
    - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - (d) The importance of the services provided by the proposed facility to the community;
    - (e) The necessity to the facility of a waterfront location, where applicable;
    - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
    - (g) The compatibility of the proposed use with existing and anticipated development;
    - (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
    - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
    - (k) The expected heights, velocity, duration, rate of rise, and sediment

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- transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (l) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  - (m) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - (n) A determination that good and sufficient cause exists for the variance;
  - (o) Failure to grant the variance would result in exceptional hardship to the applicant;
  - (p) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (q) That variances are interpreted in the National Flood Insurance Program based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
  - (r) That variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with section 9.6709.
- (3) Within five days of the decision, notice of the building official's decision and of the opportunity to appeal shall be mailed to the applicant and to owners and occupants of property located within 100 feet of the subject property.
  - (4) The decision of the building official may be appealed to the hearings official in the manner set forth in this land use code.

*(Section 9.6708, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.6709 Special Flood Hazard Areas - Standards.**

- (1) **General Standards.** In all areas of special flood hazards, compliance with the following standards is required:
  - (a) Anchoring.
    - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
    - 2. All manufactured homes shall likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
  - (b) Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials and utility

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equipment resistant to flood damage, using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (c) Utilities.
    - 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
    - 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
    - 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - (d) Subdivision Proposals.
    - 1. All subdivision proposals shall:
      - a. Be consistent with the need to minimize flood damage;
      - b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
      - c. Have adequate drainage provided to reduce exposure to flood damage; and
    - 2. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
  - (e) Review of Development Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
  - (f) Recreational Vehicles. Recreational vehicles placed on sites will either:
    - 1. Be on the site for fewer than 180 consecutive days, or
    - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.
- (2) **Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as required in subsections 9.6707(1) or (2), the following provisions are required:
- (a) Residential Construction.
    - 1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
    - 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for



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the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (b) Nonresidential Construction. New construction and substantial improvement of any commercial, employment and industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official as required in section 9.6707.
  4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subparagraph (2)(a)2. of this section.
  5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- (c) Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (1)(a)2 of this section.
- (d) Floodways. Within areas of special flood hazard established in section 9.6706 are areas designated as floodways. Since a floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Prohibition on encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is

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provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

2. If the conditions of subparagraph 1. above are met, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.
- (e) **Shallow Flooding Areas - With Depth Designations.** Shallow flooding zones appear on Flood Insurance Rate Maps (FIRM), with depth designations, wherever such flooding occurs on sloping water surfaces such as alluvial fan flow, wave wash after the wave has broken, etc. In these areas, the following provisions apply:
1. New construction and substantial improvements of residential structures within these zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the FIRM. Where appropriate, such structures shall be elevated above the crown of the nearest road, to at least one foot above the depth number specified in the FIRM. Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.
  2. New construction and substantial improvements of nonresidential structures within these zones shall either:
    - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site to at least one foot above the depth number specified on the FIRM; or
    - b. Together with attendant utility and sanitary facilities, be completely floodproofed to at least one foot above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
    - c. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.

*(Section 9.6709, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.6710 Geological and Geotechnical Analysis.**

- (1) **Purpose of Geological and Geotechnical Analyses.** The purpose of geological and geotechnical analyses is to ensure that public and private facilities in developments in areas of known or potential unstable soil conditions are located, designed, and constructed in a manner that provides for public health, safety, and welfare.

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- (2) **Geological and Geotechnical Analysis Required.** Except for those activities exempted under EC 9.6710(3) Exemptions from Geological and Geotechnical Requirements, a geological and geotechnical analysis, prepared by an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geotechnical experience, conforming with standards, procedures and content as defined in the Standards for Geological and Geotechnical Analysis adopted by the city in the manner set forth in EC 2.019 City Manager - Administrative and Rulemaking Authority and Procedures, is required for any of the following:
- (a) All proposed tentative planned unit development, site review, or subdivision applications on properties with slopes equal to or greater than 5%.
  - (b) All proposed development that includes dedication or construction of a public street or alley or the construction of public drainage systems or public wastewater sewers.
- (3) **Exemptions from Geological and Geotechnical Analysis Requirements.** The following activities are exempt from the requirements of this section:
- (a) Maintenance, operation, reconstruction of existing streets, driveways, and utility lines, provided soil disturbance is limited to a standard utility trench width or the area beneath street and driveway structures.
  - (b) Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance when it is necessary to prevent or abate any of the following:
    - 1. An imminent threat to public health or safety.
    - 2. An imminent danger to public or private property.
    - 3. An imminent threat of serious environmental degradation.
  - (c) Street and alley dedications that widen existing public right-of-way are exempt from requirements of 9.6710(2)(b).
  - (d) A residential building permit for a lot or parcel that was subject to previous reports and assessments.
  - (e) New construction, building alterations and building additions that will not result in soil disturbance.
  - (f) Activities on land included on the city's acknowledged Goal 5 inventory.
- (4) **Categories of Geological and Geotechnical Analysis.** The analysis required in geological and geotechnical analyses is based on the following categories, and shall be prepared in the manner required in the rules referenced in subsection (2) of this section:
- (a) A Level One Analysis shall consist of a compilation of record geotechnical data, on-site verification of the data and site conditions, and a report discussing site and soil characteristics in relation to the proposed development and other applicable standards.
  - (b) A Level Two Analysis shall consist of a compilation of record geological data, analysis of site characteristics, sub-surface investigation and testing to establish soil types and distribution, and a report that includes site and soil characteristics in relation to the proposed development, identification of potential problems, and recommendations for design and construction techniques and standards consistent with other standards applicable to the development proposal.
  - (c) A Level Three Analysis shall consist of a Level Two Analysis and additional site-specific geotechnical design of facilities such as, but not

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limited to, streets, foundations, utilities, retaining walls and structures due to geologic constraints.

- (5) **Applicability of Different Categories of Geological and Geotechnical Analysis.** Unless exempt under 9.6710(3), the category of geotechnical analysis required is based on the following:
- (a) A Level One Analysis shall be required on:
    - 1. All development sites with slopes less than 10% that include construction of public improvements;
    - 2. Subdivision, site review, and planned unit development applications for development sites with slopes greater than or equal to 5% and less than 10%.
  - (b) A Level Two Analysis shall be required on:
    - 1. All development sites with slopes greater than or equal to 10% that include construction of public improvements;
    - 2. Subdivision, site review, and planned unit development applications for development sites with slopes greater than or equal to 10%.
  - (c) A Level Three Analysis shall be required on development sites where the Level One or Two Analysis reveals evidence of existing or potential stability problems or where site conditions such as springs or seeps, depth of soil to bedrock, variations in soil types, or a combination of these conditions, in the opinion of the professional, impact the design parameters of the structure.
- (6) **Needed Housing.** Unless exempt under 9.6710(3)(a)-(f), in lieu of compliance with subsections (2), (4), and (5) of this section, applications proposing needed housing shall include a certification from an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geological experience stating:
- (a) That the proposed development activity will not be impacted by existing or potential stability problems or any of the following site conditions: springs or seeps, depth of soil bedrock, variations in soil types, or a combination of these conditions; or
  - (b) If proposed development activity will be impacted by any of the conditions listed in (a), the methods for safely addressing the impact of the conditions.

If a statement is submitted under (6)(b), the application shall include the applicant's statement that it will develop in accordance with the Engineer's statement.

*(Section 9.6710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003.)*

### 9.6715 **Height Limitation Areas.**

- (1) **Purpose of Height Limitation Areas.** Certain geographical landmarks have scenic attributes that are of value to the community as a whole. To protect views to and from these landmarks, special limitations on building height are established on and around them.
- (2) **Applicability.** Special building height limitations apply to the specific areas listed in this section. If the exceptions provided for in EC 9.6720 Height Exemptions for Roof Structures and Architectural Features conflict with the building height limitations in this section, this section shall apply. All

- elevations in the height limitation areas shall be based on the mean sea level.
- (3) **Skinner Butte Height Limitation Area.** The boundaries of the Skinner Butte Height Limitation Area are as follows:  
All property lying east of Washington Street, lying north of, and including, the north side of 6<sup>th</sup> Avenue, lying west of Coburg Road, and lying south of the Willamette River. (See Map 9.6715(3) Skinner Butte Height Limitation Area.) Within the Skinner Butte Height Limitation Area, the maximum height of any structure where the existing ground elevation is at, or below, 460 feet above mean sea level shall be to an elevation of 500 feet above mean sea level. The maximum height of any building where the existing ground elevation is above 460 feet mean sea level shall be 40 feet above the existing ground elevation at all points. In neither case shall the maximum height of any building or structure exceed the maximum allowed in the zone.

*(Section 9.6715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6720 Height Exceptions for Roof Structures and Architectural Features.** Except as provided in EC 9.6715, certain roof structures, architectural features and other devices may be erected above the height limits established in this land use code. Some roof structures, architectural features, and other devices may be erected no more than 18 feet above the highest point of the roof of the main building, whether such structure is attached to it or freestanding. Roof structures, architectural features, and other devices that may exceed the highest point of the main building by 18 feet as established above include:

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building;
- (2) Architectural features, including fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, steeples and similar structures; and
- (3) Other devices, including television antennas and similar structures, but excluding amateur radio antennas, telecommunication facilities, and radio towers and transmitters. Amateur radio antennas, telecommunication facilities, and radio towers and transmitters may exceed the maximum building height within a zone, provided there is compliance with all other applicable requirements of this land use code.

*(Section 9.6720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6725 Outdoor Lighting Standards.**

- (1) **Purpose of Outdoor Lighting Standards.** The outdoor lighting standards are intended to produce efficient, effective, and attractive outdoor lighting that is appropriate to the need and prevents glare. The standards are designed to:
  - (a) Provide for nighttime safety, utility, security and productivity while conserving energy and other resources.
  - (b) Minimize glare, light trespass and light pollution.
  - (c) Curtail the degradation of the nighttime environment to enhance citizens' enjoyment and protect the natural cycles of plants and animals that require darkness at night in order to thrive.
- (2) **Applicability of Outdoor Lighting Standards.** Except as exempted by provisions of this land use code in EC 9.6725(5) below, the installation of outdoor lighting fixtures shall be subject to these lighting standards.
- (3) **Shielding.** All lighting fixtures subject to a lighting permit shall be cutoff and additional shielding shall be required, as necessary, to direct the light within

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the boundaries of the development site. Fixtures for exterior illumination of signs, including signs attached to a building, shall be top-mounted as well as shielded to aim the light downward onto the sign only. (See also EC 9.6640 General Provisions, section (6) Illumination Standards.)

- (4) **Prohibited Types of Lights.** Decorative lasers, continuously flashing lights and searchlights are prohibited. In Intrinsically Dark Areas and Low Ambient Light Areas, as defined in EC 9.6725(8), high pressure sodium lights, mercury vapor lights, and flood lights are prohibited, except when used to illuminate walkways and bikepaths in compliance with applicable standards. High pressure sodium lights are permitted in other situations only when the maximum initial lumens generated by each lighting fixture does not exceed 2,250 lumens.
- (5) **Exemptions to Lighting Standards.** The following lighting fixtures are exempt from meeting these lighting standards:
  - (a) Lighting fixtures that were lawfully installed prior to August 1, 2001 are exempt from meeting these lighting standards until the lighting fixture is replaced due to necessity or choice.
  - (b) A lighting fixture that does not exceed 1,500 lumens when the light is directed within the boundaries of the development site.
  - (c) Emergency lighting.
  - (d) Lighting fixtures that must conform with federal or state regulations, such as airport runway lights, TV and radio transmission towers, telecommunication towers and railroad lights.
  - (e) Holiday lights and decorations in place during the period between November 15 and January 15, except such lights shall not cause excessive glare that creates a public safety hazard.
  - (f) Temporary lighting installed for temporary activities.
  - (g) Lighting for governmental flags.
  - (h) Temporary lighting necessary for construction sites.
  - (i) Public streetlights designed, permitted and constructed in accordance with standards and specifications adopted pursuant to Chapter 7 of this code.
- (6) **Lighting Permit Required.**
  - (a) Except as provided in EC 9.6725(5) Exemptions to Lighting Standards, no person shall install outdoor lighting unless a lighting permit for the lights has been issued by the building and permit services manager. A lighting permit for the construction and continued use of a light shall be subject to the terms and conditions stated in the permit and to the lighting standards.
  - (b) Maintenance of a lighting fixture shall not require a lighting permit.
  - (c) Failure to abide by the terms of a lighting permit or applicable provisions of the lighting standards shall invalidate a lighting permit. The building and permit services manager may take steps as are necessary to abate such a light as a public nuisance.
- (7) **Lighting Permit Application and Approval Process.**
  - (a) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager-Authority to Set Fees and Charges.
  - (b) The building and permit services manager shall approve a lighting

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- permit based on verification by a lighting specialist that the plan complies with applicable lighting standards in this land use code.
- (c) An approved lighting permit shall expire 180 days after the applicant has been notified of the lighting permit approval unless the applicant has paid all fees and the approved permit has been issued to the applicant.
  - (d) Unless the permit holder requests an extension of the permit and demonstrates good cause for such an extension, a lighting permit shall expire if the lighting construction or other work authorized by the lighting permit is not completed within 180 days after the date of issuance.
  - (e) No lighting permit shall be considered fully complete until the permit holder has notified the city that work is finished and a lighting specialist has inspected the lighting and is satisfied that the lighting construction complies with the lighting standards.
- (8) Creation of Outdoor Lighting Classifications.** To ensure appropriate lighting while minimizing its undesirable side effects, the zones established elsewhere in this land use code are consolidated into lighting zones, as follows:
- (a) Intrinsically Dark Areas (O-1) shall consist of land zoned NR Natural Resource or contained within a conservation area/natural resource protection area. These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths or other areas to be used after dark. Where lighting is to be provided the following standards shall apply:
    - 1. Except for pedestrian/bike tunnels, the walkway or pathway shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance of .9 foot-candle.
    - 2. The pedestrian/bike tunnel shall be illuminated to a minimum average maintained luminance of 4.0.
    - 3. Any other lighting fixtures not illuminating walkways, bike paths, or tunnels shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.
  - (b) Low Ambient Light Areas (O-2) shall consist of land zoned R-1 Low Density Residential, R-1.5 Rowhouse, R-2 Medium-Density Residential, C-1 Neighborhood Commercial, PL Public Land, or PRO Park, Recreation and Open Space, unless determined to have a high level of nighttime activity as set forth in EC 9.6725(8)(d), and any other zone not specifically listed under EC 9.6725(8)(a), (c), or (d). These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths, parking lots or other areas to be used after dark. Where lighting is to be provided for all areas except parking lots, the following standards shall apply:
    - 1. Walkways or pathways shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance of .9 foot-candle.
    - 2. Pedestrian/bike tunnels shall be illuminated to a minimum average maintained luminance of 4.0.
    - 3. Any other lighting fixtures not illuminating walkways, bike paths, tunnels, or parking lots shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500

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lumens.

- (c) Parking lot lighting shall comply with standards found at EC 9.6725(9). Medium Ambient Light Areas (O-3) shall be permitted on land zoned R-3 Limited High-Density Residential and R-4 High-Density Residential.
- (d) High Ambient Light Areas (O-4) shall be permitted in areas planned or developed for a mix of uses and a high level of nighttime activity. This includes areas in the broad zone category of commercial, except for C-1, and areas in the broad zone category of employment and industrial. It also includes portions of colleges and universities, high schools, the fairgrounds, and other areas zoned PL determined by the planning director to have a high level of nighttime activity. Areas determined not to have a high level of nighttime activity that are zoned PL shall be considered Low Ambient Light Areas (O-2).

**(9) Parking Lot Lighting.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and not to cause glare or direct illumination onto adjacent properties or streets. Parking lot lighting shall comply with the following standards:

- (a) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and as defined in this land use code.
- (b) Alternative: Within an officially designated historic district, the design for an area may suggest the use of parking lot lighting fixtures of a particular “period” or architectural style, as either alternatives or supplements to the lighting described above.
  - 1. If such fixtures are not “cut-off” fixtures as defined by IESNA, the maximum initial lumens generated by each fixture shall not exceed 2000.
  - 2. Mounting heights of such alternative fixtures shall not exceed 20 feet.
- (c) Parking area lighting standards in the various lighting areas are as shown in Table 9.6725(9) Parking Lot Lighting Standards.

<b>Table 9.6725(9) Parking Lot Lighting Standards</b>			
	<b>High Ambient Areas O-4</b>	<b>Medium Ambient Areas O-3</b>	<b>Low Ambient Areas O-2</b>
Mounting Height (Maximum). (Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.)	<b>30 ft</b>	<b>25 ft</b>	<b>25 ft</b>
Minimum - Maximum Average Maintained Illumination Level.	<b>.6 to 4.0 foot-candle</b>	<b>.6 to 2.0 foot-candle</b>	<b>.2 to .8 foot-candle</b>
Uniformity Ratio. (Uniformity ratio is the ratio of average illumination to minimum illumination.)	<b>4:1</b>	<b>4:1</b>	<b>4:1</b>

**(10) Lighting of Service Station/Convenience Store Aprons and Canopies.**

Lighting levels on service station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such



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location. Lighting of such areas shall not be used to attract attention to the business. Signs allowed under the appropriate section of these regulations shall be used for that purpose. These uses shall comply with the following standards:

- (a) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- (b) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 10 foot-candle and no more than 20 foot-candles. The uniformity ration (ratio of average to minimum illuminance) shall be no greater than 4:1.
- (c) Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
- (d) As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (e) Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.

**(11) Lighting of Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. These uses shall comply with the following standards:

- (a) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested elsewhere in this section.
- (b) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ration (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.
- (c) Light fixtures shall include cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

**(12) Lighting of Outdoor Performance Facilities.** Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while minimizing skyglow, reducing glare and unwanted illumination of

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surrounding streets and properties, and reducing energy consumption. These uses shall comply with the following standards:

- (a) **Design Plan:** A lighting design plan shall be submitted which shows in detail the proposed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.
- (b) **Dual System:** The main lighting of the event (spotlighting or floodlighting, etc.) shall be turned off no more than 60 minutes after the end of the event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 3.0 foot-candles with a uniformity ration (average to minimum) not exceeding 4:1.
- (c) **Primary Playing Areas:** Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
- (d) **Parking Areas:** Lighting for parking areas shall comply with EC 9.6725(9).
- (e) **Pedestrian/Bikepath Areas:** Lighting for pedestrian and bike pathways shall comply with EC 9.6725(8)(b).

**(13) Lighting of Building Facades and Landscaping.** With the exception of structures having exceptional symbolic or historic significance in the community, exterior building facades shall not be illuminated for the primary purpose of highlighting the building. When buildings having symbolic or historic significance are to be illuminated primarily for highlighting the building, a design for the illumination shall be approved by the planning and development director and the following provisions shall be met:

- (a) The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.
- (b) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.
- (c) Lighting fixtures mounted on the building and designed to “wash” the facade with light are preferred.
- (d) To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.
- (e) When landscaping is to be illuminated, the planning and development director shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

*(Section 9.6725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20266, enacted November 12, 2002, effective December 12, 2002; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6730 Pedestrian Circulation On-Site.**

- (1) **Purpose of Pedestrian Circulation On-Site.** These standards are intended to provide safe and efficient circulation for pedestrians within all developments.
- (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.
  - (a) In any zone, except I-2 and I-3, on-site pedestrian paths shall be constructed in the following cases for institutional, office, commercial and employment and industrial development:
    1. Between all new building entrances and all streets adjacent to the development site. On-site pedestrian paths shall be designed and constructed to provide a direct connection to existing public right-of-way and public accessways.
    2. To connect any new building entrances on a development site to all other new and existing building entrances on the same development site, except entrances used primarily for loading and unloading freight.
    3. Along the exterior walls of new buildings greater than 100 feet in length when the wall of the building is located next to a street, parking lot or when a public entrance or entrances are located on the edge of the building, except in the following cases:
      - a. When the edge of a building is within 20 feet of a public sidewalk and the building entrance is connected to the public sidewalk by an on-site pedestrian facility, no on-site pedestrian facility on the edge of the building adjacent to the sidewalk is required.
      - b. When the edge of the building is bordered by a perimeter of landscaping which does not exceed 30 feet in width, and an on-site pedestrian facility is constructed at the edge of the landscaping, no on-site pedestrian facility immediately adjacent to the landscaped building edge is required.
    4. To connect institutional, office, commercial and employment and industrial uses on the development site to adjacent existing or planned institutional, office, commercial or employment and industrial uses, and to existing or planned transit stops, schools, or neighborhood parks where the addition of on-site pedestrian paths would reduce walking or cycling distance between the uses by 200 feet and by at least 50 percent over other available pedestrian routes.
    5. Along any development site, an on-site pedestrian facility connecting the street to the main building(s) shall be provided for every 300 feet of street frontage or for every 8 rows of vehicle parking, or for whichever standard requires the most on-site pedestrian paths.
  - (b) In employment and industrial developments on E-1 zoned property, on-site pedestrian paths shall be constructed in the following cases:
    1. Between the main building entrance and all streets adjacent to the development site. On-site pedestrian paths shall be designed and

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constructed to provide a direct connection to existing public right-of-way and public accessways.

2. To connect the main building entrance on the development site to adjacent existing or planned office, commercial or employment and industrial uses, and to existing or planned transit stops where the addition of the on-site pedestrian facility would reduce walking or cycling distance between the uses by 200 feet and by at least 50 percent over other available pedestrian routes.
- (c) In all zones, on-site pedestrian paths shall be constructed within new multiple-family residential developments with 3 or more units to insure that access is provided:
  1. From every unit to all other units within the residential development.
  2. From every unit to all laundry, recreational and other community facilities in the residential development.
  3. From every building located within 40 feet of a public or private street to the street right-of-way line.
- (3) Design of On-Site Pedestrian Facilities.** All on-site pedestrian paths provided for the purposes of complying with this land use code shall conform with the following standards:
  - (a) On-site pedestrian paths shall provide direct access from public ways to building entrances.
  - (b) On-site pedestrian paths shall be constructed of concrete, a comparable hard surface material, or any properly designed pervious surface that complies with the Americans with Disabilities Act.
  - (c) On-site pedestrian paths shall be raised to standard curb height when adjacent to public and private streets or driveways.
  - (d) On-site pedestrian paths intersected by driving aisles shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.
  - (e) Pedestrian scale lighting in conformance with the standards in EC 9.6725 Outdoor Lighting Standards shall be provided along pedestrian facilities.
- (4) Adjustment.** These standards may be adjusted if consistent with the criteria of EC 9.8030(22).

*(Section 9.6730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.6735 Public Access Required.**

- (1)** Except as otherwise provided in this land use code, no building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this land use code.
- (2)** Access from a public street to a development site shall be located in accordance with EC 7.420 Access Connections – Location. If a development will increase the development site's peak hour trip generation by less than 50% and will generate less than 20 additional peak hour trips, the

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development site's existing access connections are exempt from this standard.

- (3) The standard at (2) may be adjusted if consistent with the criteria of EC 9.8030(28).

*(Section 9.6735, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010.)*

**9.6740 Recycling and Garbage Screening.** Except for one- and two-family dwellings, 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.

- (1) Outdoor storage areas and refuse collection areas are prohibited within required minimum or maximum front yard setbacks or required landscaping areas.
- (2) Required screening shall include the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet.
- (3) Fences may be made of wood, metal, masonry, or other permanent materials, and shall be 100 percent site-obscuring except as provided in (4) and (5) below.
- (4) On the pedestrian entrance, the fence shall be at least 50 percent site-obscuring, such as cyclone fencing with slats.
- (5) On all sides of the screening structure, up to 12 inches measured from grade may be visually unobscured provided that the unobscured area is covered with a material that contains the debris within the structure, such as cyclone fencing.

*(Section 9.6740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012.)*

**9.6745 Setbacks-Intrusions Permitted.**

- (1) **Applicability.** The intrusions permitted in this section are only applicable to standard front and interior yard setback requirements and do not apply to special setbacks required according to EC 9.6750 Special Setback Standards. Intrusions permitted in special setbacks are addressed in EC 9.6750 Special Setback Standards. Except as restricted to provide solar access according to EC 9.2795 Solar Setback Standards, and except where restricted by easements or other restrictions on title, the intrusions in this section may project into required front and interior yard setbacks to the extent and under the conditions and limitations indicated.
- (2) **Depressed Areas.** In any zone, fences, hedges, guard railings or other landscaping or devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required front and interior yard setbacks, provided that such devices are not more than 42 inches in height.
- (3) **Projecting Building Features.**
  - (a) **One Story Structures.** Except as provided in subsection (c) of this section, the following building features may project into the required front yard setback no more than 5 feet and into the required interior yard setback no more than 2 feet; provided, that such projections are at least 8 feet from any building on an adjacent lot:
    1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.

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2. Chimneys, fireplaces, bays, and bay windows, provided they do not exceed 8 feet in width. The maximum frequency of bays or bay windows is one per 15 feet of building façade.
  3. Porches, platforms or landings with roofs which do not extend above the level of the first floor of the building.
- (b) Multiple Story Structures (2 or more floors). Except as provided in subsection (c) of this section, for multiple-story buildings, portions of buildings that may project into required front yard setbacks no more than 5 feet and into the required interior yard setback no more than 2 feet, provided such projections are at least 8 feet from any building on an adjacent lot, include:
1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
  2. Chimneys and fireplaces, provided they do not exceed 8 feet in width.
  3. Porches no greater than 10 feet deep and no higher than 15 feet measured from grade may project into required front yard setbacks.
  4. Bays and bay windows no greater than 3 feet deep and 10 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required front yard setbacks. The maximum frequency of such bays or bay windows is one per 15 feet of street facing building facade.
  5. Bays and bay windows no greater than 8 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required interior yard setbacks along a public alley. The maximum frequency of such bays or bay windows is one per 15 feet of alley facing building façade.
  6. Balconies no greater than 10 feet deep are permitted to project into required front yard setbacks.
- (c) For all multi-family developments and for all residential developments in R-3 and R-4 zones, portions of buildings that may project into required front yard setbacks no more than 5 feet and into the required interior yard setback no more than 2 feet, provided such projections are at least 8 feet from any building on an adjacent lot, include:
1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
  2. Chimneys and fireplaces, provided they do not exceed 8 feet in width.
  3. Porches no less than 7 feet deep, as measured from the leading edge of the structure, and no higher than 15 feet measured from grade may project into required front yard setbacks.
  4. Bays and bay windows no greater than 3 feet deep and 10 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required front yard setbacks. The maximum frequency of such bays or bay windows is one per 15 feet of street facing building facade. Bays shall not include doors.

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5. Bays and bay windows no greater than 8 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required interior yard setbacks along a public alley. The maximum frequency of such bays or bay windows is one per 15 feet of alley facing building façade. Bays shall not include doors.
  6. Balconies no greater than 10 feet deep are permitted to project into required front yard setbacks.
  7. The maximum length of all porches, bays, bay windows, and balconies intruding in the required front yard front setback is limited to no more than 50 percent of the length of the street facing building façade on each floor.
- (d) Signs conforming to all other applicable provisions of this code. Freestanding signs 5 feet high or less are allowed in the front yard setback when located at least 5 feet from the front property line.
- (4) **Fences and Walls.** Fences and walls that conform with the standards required by the specific zones beginning at EC 9.2000 may be constructed in required front yard setbacks and interior yard setbacks.
- (5) **Public Telephone Booths and Public Bus Shelters.** Public telephone booths and public bus shelters may be located in required front yard setbacks and interior yard setbacks, provided vision clearance is maintained for vehicles passing on the street and leaving the development site, in accordance with the requirements of EC 9.6780 Vision Clearance Area.
- (6) **Driveways.** Except as provided in EC 9.2751(15)(b)3. Driveways and Parking Areas in R-3 and R-4, in any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback.
- (7) **Parking Spaces in Required Setbacks.**
- (a) Except as provided in EC 9.2751(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 dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
  2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
  3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.

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4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
- (b) In areas with the broad zone category of commercial or employment and industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2, E-1, and E-2 zones, parking spaces and parking areas are permitted in any required interior yard setback.
- (8) **Utilities.** Structures necessary for the operation and maintenance of public and private utilities may be located in required front setbacks and interior setbacks, provided these structures are screened as per EC 9.6210(6) Full Screen Fence Landscape Standard (L-6) and provided vision clearance is maintained in accordance with the requirements of EC 9.6780 Vision Clearance Area. Exceptions shall be made for such features as transformers, back flow prevention devices and closures, which already have a low visual impact.
- (9) **Poles.** Poles for outdoor lights or government flags shall be permitted in any required setback.

*(Section 9.6745, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.6750 Special Setback Standards.**

- (1) **Purpose of Special Setbacks.** Improved streets are necessary for safe and efficient circulation within the city. Due to historical development patterns, many streets within the city have public right-of-way widths that are less than the amount needed to design and construct the streets in accordance with specifications adopted pursuant to Chapter 7 of this code. Proper public right-of-way width is required to allow the improvement of streets to the standards required in EC 9.6505 Improvements - Specifications. It is intended that all streets within the city will eventually be improved to the city standard. A special setback ensures that buildings are constructed in such a manner that they will conform with the front and interior setbacks required by specific zones when the streets on which they front are widened and improved to the city standard.
- (2) **Special Setback for Streets.**
  - (a) A lot or parcel of land in any zone adjoining an arterial or collector street that is not improved with curb, gutter, sidewalk, street lights and street trees shall have a special setback line equal to a distance of one-half the width designated on the adopted Street Right-of-Way Map. If the street is not designated on the adopted Street Right-of-Way Map, the special setback width shall be equal to the distance of one-half of the minimum width established by EC 9.6870 and Table 9.6870. The special setback width is separate from, and in addition to, any interior or front yard setback required by the zone.
  - (b) A lot or parcel of land in any zone adjoining a local street or accessway that is not improved with curb, gutter, sidewalk, street lights and street trees shall have a special setback width equal to a distance of one-half of the minimum width established by EC 9.6870 and Table 9.6870. The



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- special setback width is separate from, and in addition to, any interior or front yard setback required by the zone.
- (c) For purposes of subsection (a) and (b) of this section, the centerline of right-of-way shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter described line shall prevail. In all other cases, a line midway between properties abutting opposite sides of the public right-of-way shall be the centerline for the purposes of this land use code.
  - (d) Notwithstanding subsections (a)-(c), above, special setbacks for the segment of Franklin Boulevard shown on Map 9.3970(3)(d) (S-WS Walnut Special Area Zone Franklin Boulevard Special Setback Boundaries) are those lines established by Exhibit G to Ordinance No. 20460. (See EC 9.3970(3)(d).)
- (3) Special Setback for Streets – Intrusions.** Any intrusion into a special setback is allowed, except for:
- (a) Buildings; and
  - (b) Surface stormwater management facilities.
- (4) Special Setback for Utility Easements.** A lot or parcel of land in any zone for which there is a planned utility easement, or where extension of public infrastructure has been identified through long-range infrastructure plans or the design of existing infrastructure, shall have a special building setback line to allow for the future easement.

*(Section 9.6750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; and Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

### **9.6770 Transit Improvements.**

- (1)** The location of transit stops shall be based upon the size and trip generation of new development adjacent to an existing or planned transit corridor. The transit operator shall review site plans and may recommend transit-related facilities be constructed for the following developments:
- (a) Residential developments having an average peak hour trip rate of 25 trips or greater.
  - (b) Commercial and employment and industrial developments other than office developments, having an average peak hour trip rate of 100 trips or greater. Office developments generating 50 or more average peak hour trips.
  - (c) Institutional uses and public facilities, including churches, hospitals, middle schools, high schools, universities and colleges, public parks (other than neighborhood parks), libraries, post offices, and other institutional and public facilities generating 100 or more average peak hour trips.
- (2)** To the extent it demonstrates consistency with constitutional requirements, the city shall require that the transit-related facilities recommended by the transit operator, and approved by the city manager, be identified on the site plan and constructed at the time of development. Transit-related facilities shall be constructed in accordance with the City of Eugene Arterial and Collector Street Plan.

*(Section 9.6770, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.6775**     **Underground Utilities.**

- (1)   **Exemptions from Underground Utility Standards.** The following are exempt from the undergrounding requirement of this section:
- (a)   Temporary uses on a development site.
  - (b)   New utility connections to structures or buildings with legally established above ground utility service.
  - (c)   Secondary dwellings that can be served from an existing legally established above ground utility service to the primary dwelling on the development site.
  - (d)   Dwellings on alley access lots that can be served from an existing above ground utility-owned structure.
- (2)   **Underground Utility Standards.** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

*(Section 9.6775, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

- 9.6780**     **Vision Clearance Area.** Development sites shall have triangular vision clearance areas on all street corners to provide for unobstructed vision consistent with American Association of State Highway and Transportation Officials (AASHTO) standards. **(See Figure 9.0500 Vision Clearance Area).** Vision clearance areas shall be kept free of all visual obstructions from 2 ½ feet to 9 feet above the curb line. Where curbs are absent, the crown of adjacent streets shall be used as the reference point. These vision clearance requirements may be adjusted if consistent with the criteria of EC 9.8030(11) of this land use code.

*(Section 9.6780, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.6790**     **Stormwater Management Manual.** In order to implement Section 9.6791 through 9.6797 of this code, the City Manager shall adopt in accordance with EC 2.019, City Manager – Administrative and Rulemaking Authority and Procedures, a Stormwater Management Manual. The Stormwater Management Manual may contain forms, maps and facility agreements and shall include requirements that are consistent with the following goals:

- (1)   Reduce runoff pollution from development by reducing impervious surfaces and capturing and treating approximately 80% of the average annual rainfall.
- (2)   Control and minimize flows from development in the Headwater Areas using a variety of techniques to release water to downstream conveyance systems at a slower rate and lower volume, thereby reducing the potential for further aggravation of instream erosion problems.
- (3)   Emphasize stormwater management facilities that incorporate vegetation as a key element, and include design and construction requirements that ensure landscape plant survival and overall stormwater facility functional success.

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- (4) Operate and maintain stormwater management facilities in accordance with facility-specific O & M Plans.
- (5) Reduce pollutants of concern that are generated by identified site uses and site characteristics that are not addressed solely through the stormwater quality measures by implementing additional specific source control methods including reducing or eliminating pathways that may introduce pollutants into stormwater, capturing acute releases, directing wastewater discharges and areas with the potential for relatively consistent wastewater discharges to the wastewater system, containing spills on site, and avoiding preventable discharges to wastewater facilities, surface waters or ground waters.
- (6) Except as otherwise allowed by this land use code, allow disturbances or development within drainage ways only when all of the following conditions exist:
  - (a) The disturbance or development will not impede or reduce flows within the drainage way;
  - (b) The disturbance or development will not increase erosion downstream; and
  - (c) The constructed pipe system is sized to convey all of the runoff from the upstream watershed when the upstream watershed is completely developed.

*(Section 9.6790 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

### **9.6791 Stormwater Flood Control.**

- (1) **Purpose.** The purpose of EC 9.6791 is to protect life and property from flood and drainage hazards by maintaining the capacity of the city's stormwater conveyance system through the establishment of flood control regulations for stormwater runoff.
- (2) **Applicability and Exemptions.**
  - (a) Except as provided in EC 9.6791(2)(b), flood control standards apply to all development permit applications and land use applications.
  - (b) The standards in EC 9.6791(3) do not apply to development permit applications where the proposed development will be served by a flood control facility that is a manmade drainage system designed to accommodate stormwater run-off generated by the stormwater basin area.
- (3) **Standards.**
  - (a) Stormwater flood control facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in EC Chapters 6 and 7, and the stormwater flood control provisions and the facility design requirements set forth in the Stormwater Management Manual.
  - (b) Based on the Rational Method flow calculation, stormwater runoff from the development site for the flood control design storm shall be:
    1. Discharged into existing stormwater flood control facilities that, considering all developments that have received tentative or final plan approval as of the date the applicant submits a complete application, have the capacity to handle the stormwater runoff; or

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2. Retained or detained onsite; or
  3. Discharged into a new stormwater flood control facility constructed by the applicant.
- (4) Underground Injection Control Systems.** Stormwater runoff discharged in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule Chapter 340, Section 044.

*(Section 9.6791 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

### **9.6792 Stormwater Quality.**

- (1) Purpose.** The purpose of EC 9.6792 is to reduce runoff pollution and mitigate the volume, duration, time of concentration and rate of stormwater runoff from development by implementing stormwater management techniques that promote the use of natural and built systems for infiltration, evapotranspiration and reuse of rainwater and that use or mimic natural hydrologic processes while capturing and treating approximately 80% of the average annual rainfall.
- (2) Applicability and Exemptions.**
- (a) The standard in EC 9.6792(3)(a) applies to all land use applications submitted after March 1, 2014, that do not propose construction of a public street, private street or a shared driveway.
  - (b) The standards in EC 9.6792(3)(b), (e)-(g) apply to all land use applications submitted after March 1, 2014, that propose construction of a public street.
  - (c) The standards in EC 9.6792(3)(c), (e)-(g) apply to all land use applications submitted after March 1, 2014, that propose construction of a private street or shared driveway.
  - (d) Except as exempt under EC 9.6792(2)(e), the standards in EC 9.6792(3)(d)-(g) apply to applications for all development permits submitted after March 1, 2014.
  - (e) The standards in EC 9.6792(3)(d)-(g) do not apply to development permit applications:
    1. For the construction of less than 1,000 square feet of new or replaced impervious surface within a 12 month period;
    2. For interior alterations of an existing structure;
    3. For the construction of more than 1,000 square feet of impervious surface that replaces existing impervious surface for purposes of maintenance or repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site;
    4. For the construction of new or replaced impervious surface where all of the stormwater runoff from the impervious surface will discharge into an on-site, privately maintained underground injection control system that is registered and approved by the Oregon Department of Environmental Quality;

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5. For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application submitted and approved by the City prior to March 1, 2014, that is consistent with the approved land use application and the City's stormwater quality (pollution reduction) standards in place at the time of the land division application; or
6. For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application that included the construction of a public or private street or shared driveway submitted and approved by the City after March 1, 2014, if the lot or parcel adjoins the public or private street or shared driveway and the facility within the public or private street or shared driveway is an infiltration or filtration facility designed and sized to accommodate stormwater runoff from the adjoining lots or parcels at full buildout of the lots or parcels.

### **(3) Standards.**

- (a) For land use applications not proposing the construction of a public or private street or shared driveway, the applicant shall submit a site development plan that delineates the following conditions existing on the development site:
  1. Infiltration rates less than 2 inches per hour;
  2. Bedrock less than 5 feet below the ground surface;
  3. Groundwater elevations less than 6 feet; or,
  4. Ground surface slopes greater than 10%.
- (b) For land use applications proposing the construction of a public street, stormwater quality facilities to treat the stormwater runoff from the proposed public street shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, mechanical treatment.
  1. If selecting an infiltration or filtration facility to treat the stormwater runoff from the public street, the facility can be sized to also treat the stormwater runoff from the one and two family dwelling lots or parcels adjoining the public street based on full buildout of those lots or parcels.
  2. If using a mechanical facility to treat the stormwater runoff from the public street or if the infiltration or filtration facility is not sized to also treat the stormwater runoff from the adjoining lots or parcels at full buildout, all lots or parcels created by the land division application shall comply with EC 9.6792(3)(d)-(g) at the time of development permit application.
- (c) For land use applications proposing construction of a private street or shared driveway, stormwater quality facilities to treat the runoff from the proposed private street or shared driveway shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration.
  1. An infiltration or filtration treatment facility to treat the stormwater runoff from the shared driveway or private street can be sized to treat the stormwater runoff from the proposed one and two family dwelling lots or parcels that adjoin the shared driveway or private street based on full buildout of those lots or parcels.

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2. If the infiltration or filtration facility is not sized to treat the stormwater runoff from the adjoining lots or parcels at full build out, all lots or parcels created by the land division application must comply with EC 9.6792(3)(d)-(g) at the time of development permit application.
- (d) For development permit applications, stormwater quality facilities shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, off-site stormwater quality management.
1. If selecting a filtration treatment facility, the applicant shall submit a report that demonstrates at least one of the following development site conditions exist:
    - a. Infiltration rates are less than 2 inches per hour;
    - b. Bedrock is less than 5 feet below the ground surface;
    - c. Groundwater elevations are less than 6 feet; or,
    - d. Ground surface slopes are greater than 10%.
  2. If selecting off-site stormwater quality management by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the City's system development charge methodology, the applicant shall submit a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards.
- (e) The selected stormwater quality facilities shall treat all stormwater runoff from all new or replaced impervious surface areas, or an equivalent on-site area, that will result from the water quality design storm except that the selected the stormwater quality facility does not need to treat the stormwater runoff from new or replaced impervious surface that is 500 sq. feet or less and does not gravity-feed into the selected treatment facility.
- (f) All stormwater quality facilities shall be sited, designed and constructed according to the water quality provisions and the facility design requirements set forth in the Stormwater Management Manual.
- (g) The standards in EC 9.6792(3) may be adjusted pursuant to EC 9.8030(24).

*(Section 9.6792 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

### **9.6793 Stormwater Flow Control (Headwaters).**

- (1) **Purpose.** The purpose of EC 9.6793 is to protect waterways in the headwaters area from the erosive affects of increases in stormwater runoff peak flow rates and volumes resulting from development.
- (2) **Applicability and Exemptions.**

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- (a) Except as exempt under EC 9.6793(2)(c), the standards in EC 9.6793(3) apply to all land use applications for development sites in the headwaters area that drain directly into a headwater stream or drain into a pipe that discharges into a headwater stream that are submitted after July 14, 2006 requesting approval of one or more of the following:
    - 1. A cluster subdivision - tentative plan (EC 9.8055);
    - 2. A conditional use (EC 9.8090 or 9.8100);
    - 3. A partition - tentative plan (EC 9.8215 or 9.8220);
    - 4. A planned unit development - tentative plan (EC 9.8320 or 9.8325);
    - 5. Site review (EC 9.8440 or 9.8445);
    - 6. A subdivision tentative plan (EC 9.8515 or 9.8520).
  - (b) Except as exempt under EC 9.6793(2)(c), the standards in EC 9.6793(3) apply to all applications for development permits for development sites in a headwaters area that drain directly into a headwater stream or drain into a pipe that discharges into a headwater stream that are submitted after July 14, 2006.
  - (c) The standards in EC 9.6793(3) do not apply to:
    - 1. A land use application that will result in the construction or creation of less than 1,000 square feet of new or replaced impervious surface at full buildout of the development.
    - 2. A development permit application for any of the following:
      - a. Development of a lot or parcel included in a land use application that was determined by the city to comply with the standards in EC 9.6793(3). For such a development permit, the approved land use plan shall control.
      - b. Development of a lot or parcel that was not included in a land use application that was determined by the city to comply with the standards in EC 9.6793(3) and:
        - (1) Will result in less than 1,000 square feet of new or replaced impervious surface within a 12 month period; or
        - (2) Is to construct or alter a one or two family dwelling; or
        - (3) Is for the replacement of more than 1,000 square feet of impervious surface for purposes of maintenance or repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site.
    - 3. Development sites within a drainage basin for which the city has constructed or approved a project to restore the receiving waterway, and the entire downstream system has been designed to accommodate full build-out conditions within the drainage basin.
- (3) Standards.**
- (a) Applications shall demonstrate, using methodology in the Stormwater Management Manual, that peak rates of flow delivered to an existing open waterway at a point above 500 feet in elevation will not increase

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during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the development that is the subject of the application;

- (b) For purposes of designing the system as required by the standards in this section, the amount of impervious surface per lot is assumed to be the maximum lot coverage allowed for the use in the zone in which it is located, unless the applicant demonstrates otherwise.
- (c) All facilities to control the rate of stormwater runoff shall be sited, designed and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual. Flow control facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual.
- (d) The standards in EC 9.6793(3) may be adjusted pursuant to EC 9.8030(24).

*(Section 9.6793 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006.)*

### **9.6794 Stormwater Oil Control.**

- (1) **Purpose.** The purpose of EC 9.6794 is to protect the city's stormwater system from oil and grease from stormwater runoff of impervious surface areas on properties that produce high concentrations of these pollutants.
- (2) **Applicability.** Oil control standards set forth in EC 9.6794(3) apply to:
  - (a) All new commercial and employment and industrial development with parking lots that store wrecked or impounded vehicles; or
  - (b) Any development that would result in an expected daily traffic count greater than one hundred vehicles per 1,000 square feet of gross building area, based on the most recent version of The Institute of Transportation Engineers' Trip Generation Manual; or
  - (c) Any development that would result in 100 or more off-street parking spaces; or
  - (d) Any commercial or employment and industrial development that receives an adjustment approving the installation of 125 percent or more of the minimum off-street parking spaces required by EC 9.6410(3), Minimum Number of Required Off-Street Parking Spaces and that adjustment will result in, at least, a total of 10 parking spaces.
- (3) **Standards.** Unless adjusted pursuant to EC 9.8030(24), all oil control facilities shall be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual.

*(Section 9.6794 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

### **9.6795 Stormwater Source Controls.**

- (1) **Purpose.** The purpose of EC 9.6795 is to prevent stormwater pollution by eliminating pathways that may introduce pollutants into stormwater.
- (2) **Applicability and Exemptions.** Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards set forth in EC 9.6795(3), apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in EC 9.6795(2)(a)–(h).



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- (a) Fuel dispensing facilities and surrounding traffic areas where vehicles, equipment, or tanks are refueled on the premises. A fuel dispensing facility is the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers. Exempt from this subsection are:
  - 1. Propane tanks.
  - 2. Fuel dispensing areas generally used to service oversized equipment, for example cranes, that cannot maneuver under a roof or canopy.
  - 3. Existing fueling areas where scope of work is limited to a new canopy installation over an existing fuel pad that is not being upgraded, an underground tank replacement for compliance with state regulations, or the replacement of a fuel pump on an existing fuel pad that is not being upgraded.
- (b) Exterior storage of liquid materials, for example chemicals, food products, waste oils, solvents, process wastewaters, or petroleum products in aboveground containers, in quantities of 50 gallons or more, including permanent and temporary storage areas. Exempt from this subsection are underground storage tanks or installations requiring a Water Pollution Control Facility (WPCF) permit and containers with internal protections (such as double-walled containers).
- (c) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for one and two family dwelling and areas used for the temporary storage of wood pallets or cardboard.
- (d) Developments that stockpile or store high-risk or low-risk bulk materials in outdoor containers, as the terms “high risk” and “low risk” are in the Stormwater Management Manual. Exempt from this subsection are:
  - 1. Materials which have no measurable solubility or mobility in water and no hazardous, toxic or flammable properties.
  - 2. Materials which exist in a gaseous form at ambient temperature.
  - 3. Materials, except for pesticides and fertilizers, that are contained in a manner that prevents contact with stormwater.
- (e) Developments proposing the installation of new material transfer areas as defined in the Stormwater Management Manual, or structural alterations to existing material transfer areas, such as access ramp re-grading and leveler installations. Exempt from this subsection are areas used only for mid-sized to small-sized passenger vehicles and restricted by lease agreements or other regulatory requirements to storing, transporting or using materials that are classified as domestic use, for example, primary educational facilities (elementary, middle or high schools), buildings used for temporary storage and churches.
- (f) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:
  - 1. Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for

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example cranes and sail boats.

2. Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.
  3. One and two family dwelling sites.  
Development that is intended for the storage of 10 or more fleet vehicles shall include a designated vehicle washing area.
- (g) All development projects that disturb property suspected or known to contain contaminants in the soil or groundwater.
- (h) All development with new covered vehicle parking areas, or existing parking structures that are being developed. Exempt from this subsection are single-level canopies, overhangs and carports.
- (3) **Standards.** Unless adjusted pursuant to EC 9.8030(24), all source controls shall be designed and constructed according to the source control provisions set forth in the Stormwater Management Manual.
- (4) **Enforcement.** Failure to construct, operate and maintain source controls when a land use application, development permit or tenant improvement has resulted in a defined site use or characteristic listed in EC 9.6795(1)(a)-(h) is subject to enforcement in accordance with EC Chapter 6.

*(Section 9.6795 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006.)*

### **9.6796 Dedication of Stormwater Easements.**

- (1) **Purpose.** The purpose of EC 9.6796 is to ensure that city maintained stormwater management facilities designed and constructed in accordance with EC 9.6791-9.6795 and the Stormwater Management Manual can be accessed by the city for routine and/or emergency maintenance to protect life and property from flood and drainage hazards, ensure that water quality is protected, and to ensure that waterways in the headwaters area are protected from the erosive effects of runoff.
- (2) **Applicability.** Stormwater easement standards set forth in EC 9.6796(3) apply to all land use applications and development permits that result in the construction of a city maintained stormwater management facility.
- (3) **Standards.** The applicant must dedicate public easements approved by the city over city maintained stormwater management facilities provided the city makes findings to demonstrate consistency with constitutional requirements. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:
- (a) Except for areas on the city's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any open drainage way, headwater, stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto or from city-owned property or into city maintained facilities.
  - (b) For areas on the city's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any water course or channel.
  - (c) Where necessary to extend public drainage facilities and services to adjoining undeveloped property.
  - (d) To provide necessary drainage from the public right-of-way.
  - (e) Where the facility will provide treatment for runoff from the public right-

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of-way and the City will be maintaining the facility.

*(Section 9.6796 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; administratively corrected January 1, 2008; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

### **9.6797 Stormwater Operation and Maintenance.**

- (1)** All stormwater facilities shall be operated and maintained in accordance with EC Chapters 6 and 7, and the Stormwater Management Manual.
- (2)** Unless the applicant proposes private maintenance of the facility, a stormwater facility that will provide treatment for runoff from the public right-of-way shall be:
  - (a)** Designed and constructed through the Privately Engineered Public Improvement (PEPI) process; and
  - (b)** Located in public rights of way or public easements dedicated in accordance with EC 9.6796; and
  - (c)** Selected from the list of stormwater facilities identified in the Stormwater Management Manual as a type of facility that the City will operate and maintain.

*(Section 9.6797 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

## Standards for Streets, Alleys, and Other Public Ways

**9.6800** **Purpose of Standards for Streets, Alleys, and Other Public Ways.** Sections 9.6800 through 9.6875 establish standards for the dedication, design and location of public ways to address the purpose of this land use code contained in EC 9.0020 Purpose.

*(Section 9.6800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6805** **Dedication of Public Ways.** As a condition of any development, the city may require dedication of public ways for bicycle and/or pedestrian use as well as for streets and alleys, provided the city makes findings to demonstrate consistency with constitutional requirements. Public ways for pedestrian and bicycle accessways, streets and alleys to be dedicated to the public by the applicant shall conform with the adopted Street Right of way Map, and EC Table 9.6870.

*(Section 9.6805, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.6810** **Block Length.** Block length for local streets shall not exceed 600 feet, unless an exception is granted based on one or more of the following:

- (1) Physical conditions preclude a block length 600 feet or less. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
- (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 600 feet or less, considering the potential for redevelopment.
- (3) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practicable.
- (4) As part of a Type II or Type III process, the developer demonstrates that a strict application of the 600-foot requirement would result in a street network that is no more beneficial to vehicular, pedestrian or bicycle traffic than the proposed street network and that the proposed street network will accommodate necessary emergency access.

Special block requirements related to multiple-family developments are found in section (10) of EC 9.5500 Multiple-Family Standards.

*(Section 9.6810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.6815** **Connectivity for Streets.**

- (1) **Purpose and Intent.** The street connectivity standards of EC 9.6815(2) Street Connectivity Standards are established to ensure that all of the following are met:
  - (a) Streets are designed to efficiently and safely accommodate emergency fire and medical service vehicles.
  - (b) The layout of a street system does not create excessive travel lengths.
  - (c) The function of a local street is readily apparent to the user through its

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appearance and design in order to reduce non-local traffic on local residential streets.

- (d) Streets are interconnected to reduce travel distance, promote the use of alternative modes, provide for efficient provision of utility and emergency services, and provide for more even dispersal of traffic.
- (e) New streets are designed to meet the needs of pedestrians and cyclists and encourage walking and bicycling as transportation modes.
- (f) The street circulation pattern provides connections to and from activity centers such as schools, commercial areas, parks, employment centers, and other major attractors.
- (g) Street design is responsive to topography and other natural features and avoids or minimizes impacts to water-related resources and wildlife corridors.
- (h) Local circulation systems and land development patterns do not detract from the efficiency of adjacent collector streets or arterial streets which are designed to accommodate heavy traffic.
- (i) Streets identified as future transit routes should be designed to safely and efficiently accommodate transit vehicles, thus encouraging the use of public transit as a transportation mode.
- (j) Where appropriate, the street system and its infrastructure should be utilized as an opportunity to convey and treat storm water runoff.

### **(2) Street Connectivity Standards.**

- (a) All streets and alleys shall be public unless the developer demonstrates that a public street or alley is not necessary for compliance with this land use code or the street connectivity standards of subparagraphs (b) through (f) of this subsection.
- (b) The proposed development shall include street connections in the direction of all existing or planned streets within 1/4 mile of the development site. The proposed development shall also include street connections to any streets that abut, are adjacent to, or terminate at the development site.
- (c) The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition. The streets shall be in locations that will enable adjoining properties to connect to the proposed development's street system.
- (d) Secondary access for fire and emergency medical vehicles consistent with EC 9.6870 is required.
- (e) Except for applications proposing needed housing, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.
- (f) In cases where a required street connection would result in the extension of an existing street that is not improved to city standards and the street has an inadequate driving surface, the developer shall construct a temporary barrier at the entrance to the unimproved street section with provision for bicycle, pedestrian, and emergency vehicle access. The barrier shall be removed by the city at the time the existing

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street is improved to city standards or to an acceptable standard adopted by the public works director. In making a determination of an inadequate driving surface, the public works director shall consider the street rating according to Eugene's Paving Management System and the anticipated traffic volume.

- (g) In the context of a Type II or Type III land use decision, the city shall grant an exception to the standards in subsections (2)(b), (c) or (d) if the applicant demonstrates that any proposed exceptions are consistent with either subsection 1. or 2. below:
1. The applicant has provided to the city, at his or her expense, a local street connection study that demonstrates:
    - a. That the proposed street system meets the intent of street connectivity provisions of this land use code as expressed in EC 9.6815(1); and
    - b. How undeveloped or partially developed properties within a quarter mile can be adequately served by alternative street layouts.
  2. The applicant demonstrates that a connection cannot be made because of the existence of one or more of the following conditions:
    - a. Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
    - b. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment.

*(Section 9.6815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

### **9.6820 Cul-de-Sacs or Emergency Vehicle Turnarounds.**

- (1) Except for streets that are less than 150 feet long and streets that will be extended in the future, all streets that terminate shall be designed as a cul-de-sac bulb or an emergency vehicle turnaround.
- (2) If a street will be extended in the future, a temporary easement shall be provided and an emergency vehicle turnaround shall be constructed.
- (3) There shall be no cul-de-sacs more than 400 feet long from the centerline of the intersecting street to the radius point of the cul-de-sac bulb.
- (4) Public accessways to provide safe circulation for pedestrians, bicyclists and emergency vehicles shall be required from a cul-de-sac or emergency vehicle turnaround longer than 150' in length when measured from the centerline of the intersecting street to the radius point of the cul-de-sac or to the center point of the emergency vehicle turnaround.
- (5) As part of a Type II or Type III process, an exception may be granted to the requirements of (1), (3) and (4) of this section because of the existence of one or more of the following conditions:

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- (a) Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat areas, or a resource on the National Wetland Inventory or under protection by state or federal law.
- (b) Buildings or other existing development on the subject property or adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment.

*(Section 9.6820, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

### **9.6830 Intersections of Streets and Alleys.**

#### **(1) Angles.**

- (a) Streets and alleys shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout.
- (b) If an intersection must occur at an angle of less than 90 degrees, it shall comply with the standards in the American Association of State Highway and Transportation Officials (AASHTO) publication entitled "A Policy on Geometric design of Highways and Streets," then in effect, or its replacement publication.

- (2) Offsets.** The minimum intersection offset shall be 100 feet on a local street, 200 feet on a collector street, and 400 feet on an arterial street unless adjusted through the process for adjustments to standards of EC 9.8030(12). Offsets shall be measured from the center lines of the two intersecting streets.

*(Section 9.6830, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

### **9.6835 Public Accessways.**

- (1)** The city shall require within the development site the dedication to the public and improvement of accessways for pedestrian and bicyclist use to connect the development site to adjacent cul-de-sacs or to an adjacent site that is undeveloped, publicly owned, or developed with an accessway that connects to the subject site, provided the city makes findings to demonstrate consistency with constitutional requirements. Public accessways shall conform to design standards for accessways contained in the "Design Standards for Eugene Streets, Sidewalks, Bikeways and Accessways".
- (2)** Existing unimproved public accessways on properties adjacent to the development site shall be improved consistent with the "Design Standards for Eugene Streets, Sidewalks, Bikeways and Accessways" if such accessways are connected to the subject site, provided the city makes findings to demonstrate consistency with constitutional requirements. Said improvements to unimproved public accessways shall connect to the closest public street or developed accessway.
- (3) Adjustments to Standards.** The standard at EC 9.6835(1) may be adjusted if consistent with the criteria of EC 9.8030(20).

*(Section 9.6835, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003.)*

**9.6840**     **Reserve Strips.** The city manager may require the developer to dedicate a reserve strip controlling the access to a street or alley when a reserve strip is necessary to address one or more of the following:

- (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
- (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in Table 9.6870 Right-of-Way and Paving Widths.
- (3) To prevent access to land abutting a street of the development, but not within the development itself.
- (4) To prevent access to land unsuitable for development.
- (5) To prevent access prior to payment of street improvement assessments or connection charges.
- (6) To prevent access to an arterial or collector street when such access would be inconsistent with EC 7.420.

*(Section 9.6840, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010.)*

**9.6845**     **Special Safety Requirements.** Except for applications proposing needed housing, where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public, pedestrians, bicyclists and residents of the subject area, the planning director or public works director may require that local streets and alleys be designed to discourage their use by non-local motor vehicle traffic and encourage their use by local motor vehicle traffic, pedestrians, bicyclists, and residents of the area.

*(Section 9.6845, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6850**     **Street Classification Map.** The November 1999 Street Classification Map adopted by Ordinance No. 20181 and as amended by Ordinance thereafter, shall be the basis for determining the correct classification of a street as a major arterial, minor arterial, major collector, or neighborhood collector in order to meet transportation, access, and safety needs of an area and for determining the dedication, design and location of streets to be required, other than local streets as described in the Eugene Local Street Plan. In the event any conflict exists between any street classification contained in the November 1999 Street Classification Map and a classification contained in any other ordinance, resolution, order or plan, except local streets in the Eugene Local Street Plan, the descriptions in the November 1999 Street Classification Map shall control.

*(Section 9.6850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6855**     **Street Names.** Wherever practical, streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the planning director and shall not unnecessarily duplicate or resemble the name of any existing or platted street in Lane County.

*(Section 9.6855, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6860**     **Street Right-of-Way Map.** The November 1999 Street Right-of-Way Map is an



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official map adopted by the city council by Ordinance No. 20181 designating the widths of street right-of-way and street paving for specific street segments. Any street segment for which no widths are designated on this map shall have the maximum widths for its classification as set forth in Table 9.6870 Right-of-Way and Paving Widths. The Street Right-of-Way Map may be amended or modified as follows:

- (1) Procedures to Amend Right-of-Way Map.** Widths for proposed new streets or specific street segments as shown on the Street Right-of-Way Map may be determined, amended or modified using any one of the following procedures:
- (a) By action of the city council.
  - (b) By order of the planning and public works directors based upon the criteria in EC 9.6860(2).
    1. When the directors make a preliminary determination that a street width should be determined, amended or modified, they shall notify all property owners and occupants located within 100 feet of the affected street segment of their preliminary determination and invite comment and evidence from those affected be submitted to them by a date specified in the notice which is at least 10 days after the notice is mailed. After providing an opportunity for comment or evidence the directors shall issue an order designating the street segment's widths.
    2. Notice of the directors' order designating the street widths shall be mailed to owners and occupants of property located within 100 feet of the affected street segment. Within 10 days of the date of the notice of the directors' order is mailed, it may be appealed as provided in this subsection to the hearings official by any adversely affected person or a person entitled to notice under this subsection.
    3. An appeal shall be on a city form and shall state specifically how the directors failed to properly evaluate the proposal or make a decision consistent with applicable criteria.
    4. Unless the directors and the appellant agree to a longer period, the hearings official shall hold a public evidentiary hearing on an appeal within 45 days of submittal. At least 20 days before the hearing, the city shall mail notice thereof to the appellant and all persons who responded to the initial notice of the directors' decision.
    5. Within 15 days of the hearing, unless the appellant and the directors agree to a longer period, the hearings official shall make a decision applying the EC 9.6860(2), and within 5 days thereafter mail a notice of the decision to the appellant and persons who have requested notification. The hearings official's decision is final.
    6. The directors' order allowing narrower widths may be included in a land use decision when consistent with the standards in Table 9.6870 and the adopted Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways, and it shall be combined with and governed by the notice, decision, and appellate procedures for the land use decision.
- (2) Criteria.** When entering an order concerning the Street Right-of-Way Map

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under subsection (1)(b) above the following criteria shall be considered:

- (a) The adopted Metropolitan Area General Plan, refinement plans, transportation plan, special area studies and relevant adopted city policies and transportation goals.
- (b) The general determination of widths by type of street as set forth in Table 9.6870.
- (c) Existing and projected use of the public way and of property abutting the public way.
- (d) Physical conditions in or adjacent to the right-of-way that affect public safety.
- (e) Relevant rules adopted by the state and its agencies.
- (f) Traffic engineering principles.
- (g) Other relevant factors identified by the directors or hearings official affecting the public health, safety and welfare.

*(Section 9.6860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.6865** Transit Facilities.

- (1) Except for applications proposing needed housing, the city manager may require provisions, including easements, for transit facilities where future transit routes are required on streets extending through or adjacent to the area of the development, and where a need for bus stops, bus pullouts or other transit facilities within the development has been identified, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2) Except for applications proposing needed housing, where the provision of transit stops, bus pullouts or other facilities along a public street requires a right-of-way or paving width greater than that listed in Table 9.6870 Right-of-Way and Paving Widths and where a need for transit service within the development has been identified, the planning director or public works director, depending upon the type of application being processed, may require that additional right-of-way or paving be provided.

*(Section 9.6865, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6870** Street Width. Unless an alternative width is approved through use of other procedures in this code, the right-of-way width and paving width of streets and alleys dedicated shall conform to those designated on the adopted Street Right-of-Way map. When a street segment right-of-way width is not designated on the Street Right-of-Way map, the required street width shall be the minimum width shown for its type in Table 9.6870 Right-of-Way and Paving Widths. Based on adopted plans and policies, adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways," or other factors which, in the judgment of the planning and public works director necessitate a greater street width, a right-of-way width greater than the minimum width shown for its type in Table 9.6870 can be required for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515. The required alley width shall be the width shown for its type in Table 9.6870 Right-of-Way and Paving Width, unless, for applications submitted in accordance with EC 9.8090, 9.8055, 9.8215, 9.8320, 9.8440 or 9.8515, a lesser width is approved by the planning director and public works director based on adopted plans and policies, adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways, and Accessways" or other factors which, in the judgment of the planning and public works director allow for a

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lesser alley width.

Table 9.6870 Right-of-Way and Paving Widths		
Type of Street or Alley	Right-of-Way (for Public Streets and Alleys only)	Paving Width
Major Arterials	100' – 120'	68' – 94'
Minor Arterials	65' – 100'	46' 70'
Major Collector	60' – 75'	32' – 44'
Neighborhood Collector	40' 55'	20' – 43'
Bicycle and Pedestrian Accessway:		
With Fire Accessibility	20'	20'
Without Fire Accessibility	10'	10'
Local Streets		
Alley (secondary access) only	14'	12'
Alley (primary access)	20'	12' one-way travel 20' two-way travel
Access Lane	40' – 55'	21' – 28'
Low Volume Residential	45' – 55'	20' – 28'
Medium Volume Residential	50' – 60'	20' – 34'
Commercial and Industrial	55' – 70'	30' – 44'
Cul-de-sac Bulb Radius:		
Residential	48.5"	35'
Non-residential	62'	50'

\*Measured from face to face of curbs

(Section 9.6870, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010.)

**9.6873     Slope Easements.** Because of terrain, slope easements may be required to facilitate the construction of streets and alleys and protect the structural integrity of the constructed roadway. Slope easements shall be granted in addition to the required street or alley width listed in Table 9.6870 Right-of-Way and Paving Widths.

(Section 9.6873 added by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010.)

**9.6875     Private Street Design Standards.** Private streets, when permitted under EC 9.6815(2), shall be designed and constructed in accordance with applicable requirements for private streets contained in the adopted “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways.”

(Section 9.6875, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## Tree Preservation and Removal Standards

**9.6880** **Purpose of Tree Preservation and Removal Standards.** Sections 9.6880 to 9.6885 establish standards for tree preservation and removal in a manner designed to:

- (1) Implement Metro Plan and refinement plan policies related to vegetation preservation;
- (2) Maintain a minimum level of tree canopy cover throughout the city while addressing the city's goals for a healthy economy, affordable housing, and reduced sprawl;
- (3) Mitigate the impacts of development on the essential functions of the urban forest through requirements for preservation and replacement of tree canopy cover;
- (4) Ensure a healthy future urban forest by encouraging protection of mixed age stands of trees and promoting a diversity of tree species; and
- (5) Maintain a safe and attractive environment for residents and workers by requiring the integration of urban forestry principles into the design of new development.

*(Section 9.6880, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6882** **Applicability of Tree Preservation and Removal Standards.** Unless exempt under EC 9.6885(1), the standards in EC 9.6885(2) apply:

- (1) Prior to city approval of an agreement or permit, including, but not limited to development permits and grading permits, for development activity that would result in the removal of a significant tree on the development site; or
- (2) When another section of this land use code specifically requires compliance with the standards; or
- (3) To all subsequent actions impacting trees on property subject to an approved conditional use permit, planned unit development, site review, or subdivision that includes a tree removal/preservation plan or conditions related to tree removal or preservation.

*(Section 9.6882, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.6883** **Tree Verification.** Prior to a site change that impacts a significant tree, a tree verification request form shall be submitted to the city for verification regarding the status of the tree. Verification shall be based on:

- (1) Where the change involves the removal of a tree, whether the removal meets the criteria for exemption under EC 9.6885(1) Tree Preservation and Removal Standards - Exemptions from Standards.
- (2) Whether the subject tree is within an area subject to a prior approved tree preservation plan or conditions associated with an approved conditional use permit, planned unit development, site review or subdivision to which the parcel on which the tree is located is a part of. For any such parcel, the city approved plan or approved modifications shall control tree preservation and removal.

*(Section 9.6883, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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

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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 dwelling, secondary dwelling, or duplex;
  - 2. An application to construct a one-family dwelling, secondary dwelling, or duplex 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 dwelling, secondary dwelling, or duplex.
- (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;
- (c) Land Use Approvals. Any tree removal on property subject to an approved conditional use permit, planned unit development, site review, or subdivision that include a tree removal/preservation plan or conditions related to tree removal or retention. In those areas, that plan or city approved modifications thereto control tree removal. This exemption does not apply to the removal of a street tree, which must be authorized by a permit issued pursuant to EC 6.305;
- (d) Tree Removal Permit. Any tree removal specifically authorized by, and carried out in conformity with a city-approved tree removal permit under EC Chapter 6.
- (e) Habitat Restoration. Removal of trees by the city or as authorized by the city for the purpose of implementation of a city-approved habitat restoration plan, and the express purpose of the plan is to restore native plant communities, enhance fish or wildlife habitat, or similar restoration purposes;
- (f) Hazardous Trees.
  - 1. The removal of hazardous trees on private property, provided that prior to removal the property owner submits to the city a written evaluation of each tree proposed for removal prepared by a certified arborist declaring the tree(s) to be hazardous and recommending immediate removal. The written evaluation shall be on a form prescribed by the city manager pursuant to section 2.019 City Manager - Administrative and Rulemaking Authority and Procedures;
  - 2. The removal of hazardous trees by the city or under contract with the city, on public property or street right-of-way, provided the city's urban forester issues a written evaluation of each tree proposed for removal declaring the tree(s) to be hazardous and recommending immediate removal;
- (g) Fire Hazard Abatement. Removal of trees that the city fire marshal has declared in writing poses a potential fire hazard to existing structures; or
- (h) Diseased or Dying Trees. Removal of a diseased or dying tree,

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provided that prior to its removal the property owner submits to the city a written evaluation of the tree prepared by a certified arborist certifying the unhealthy condition of the tree and recommending its immediate removal. The written evaluation shall be on a form prescribed by the city manager pursuant to section 2.019 City Manager - Administrative and Rulemaking Authority and Procedures.

- (2) **Tree Preservation and Removal Standards.** No permit for a development activity subject to this section shall be approved until the applicant submits plans or information, including a written report by a certified arborist or licensed landscape architect, that demonstrates compliance with the following standards:
- (a) The materials submitted shall reflect that consideration has been given to preservation in accordance with the following priority:
    1. Significant trees located adjacent to or within waterways or wetlands designated by the city for protection, and areas having slopes greater than 25%;
    2. Significant trees within a stand of trees; and
    3. Individual significant trees.
  - (b) If the proposal includes removal of any street tree(s), removal of those street trees has been approved, or approved with conditions according to the process at EC 6.305 Tree Felling Prohibition.
- (3) **Adjustment to Standards.** Except for applications being processed under EC 9.8100 Conditional Use Permit Approval Criteria - Needed Housing, EC 9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing, EC 9.8445 Site Review Approval Criteria - Needed Housing, or EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing, adjustments to these standards may be made, subject to compliance with the criteria for adjustment in EC 9.8030(13) Tree Preservation and Removal Standards Adjustment.

*(Section 9.6885, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

## **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 Metro Plan, or a refinement plan, shall be processed as provided in sections 9.7000 through 9.7885.

*(Section 9.7000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7005**     **Pre-application Conference.** A pre-application conference shall be required for applications specifically listed below:

- (1)** Conditional Use Permit.
- (2)** Planned Unit Development, Tentative Plan.
- (3)** Willamette Greenway Permits.

A pre-application conference may also be requested by a private individual due to factors such as the need for multiple land use applications, the scale of the development proposal, or the complexity of the project. All required or requested pre-application conferences shall be submitted on a form approved by the city manager and be accompanied by a fee established pursuant to EC Chapter 2.

*(Section 9.7005, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7007**     **Neighborhood/Applicant Meetings.**

- (1)** This section applies to the following types of land use applications:
  - (a) Type II: 3-lot partitions, tentative subdivisions, tentative cluster subdivisions and design reviews;
  - (b) Type III: Only conditional use permits and tentative planned unit developments;
  - (c) Type IV applications that are not city-initiated;
  - (d) Metro Plan amendments that are not city-initiated.
- (2)** Prior to the submittal of an application listed in subsection (1) above, the applicant shall host a meeting for the surrounding property owners. The purpose of this meeting is to provide a means for the applicant and surrounding property owners and residents to meet to review the proposal, share information and identify issues regarding the proposal. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (3)** The neighborhood/applicant meeting shall be held on a weekday evening, starting no earlier than 5:00 p.m. and starting no later than 7:00 p.m., or on a weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the city that is in, or is as close as practicable to, the boundaries of the city-recognized neighborhood association in which the proposal is located, if any.
- (4)** If the subject property is located within the boundaries of a city-recognized neighborhood association, the applicant must contact the applicable neighborhood association by registered or certified mail, proposing three possible dates and times for the meeting. The neighborhood association should reply to the applicant within 14 days and specify on which of the proposed three suggested dates the meeting should be held. If the

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neighborhood association does not reply to the applicant's letter within 14 days, the applicant may schedule the neighborhood meeting on any one of the three proposed dates without further delay.

- (5) The applicant shall mail notice of the meeting:
  - (a) At least 14 days and no more than 28 days prior to the meeting;
  - (b) To:
    1. Owners and occupants of properties within 300 feet of the subject property for Type II and IV applications and to owners and occupants within 500 feet of the property for a Type III application or a Metro Plan amendment;
    2. Any city-recognized neighborhood associations whose boundaries are within 300 feet of the subject property;
    3. The city planning director; and
    4. The city engineer; and
  - (c) That states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.
- (6) Failure of a property owner or occupant to receive notice shall not invalidate the neighborhood/applicant meeting procedure.
- (7) The applicant shall post notice of the meeting by posting a waterproof sign on the subject property at least 14 days before the meeting. The notice, containing the information described in (5)(c) above, shall be supplied by the applicant.
- (8) The applicant shall provide the proposed site plan at the meeting for review.
- (9) The applicant shall prepare and keep meeting notes identifying the major points that were discussed and expressed, and a sign-in sheet identifying the persons attending.
- (10) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.
- (11) If an applicant fails to include in its application the materials described in EC 9.7010, the application shall be deemed incomplete.
- (12) Applications shall be submitted to the city within 180 days of the neighborhood/applicant meeting. If an application is not submitted in this time frame, or if the site plan submitted with the application does not substantially conform to the site plan provided at the meeting, the applicant shall be required to hold a new neighborhood/applicant meeting.

*(Section 9.7007 adopted by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; and amended by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.7010** **Application Filing.** Applications shall be submitted on a form approved by the city manager, be accompanied by a fee established pursuant to EC Chapter 2, and be signed by the property owner, unless the applicant is a public agency, in which case the signature of the property owner is not required. Application materials shall address each of the criteria and standards applicable to the proposed use including any requested adjustments to standards as provided in provisions beginning at EC 9.8015. For applications described at EC 9.7007(1), the application shall include the following materials related to the neighborhood/applicant meeting:

- (1) The list of persons to whom notice was mailed pursuant to EC 9.7007(5) and a signed statement that notice was posted and mailed to those on the list;
- (2) A copy of the notice;
- (3) A copy of the meeting notes and sign-in sheet described at EC 9.7007(9); and



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- (4) A copy of the site plan presented at the meeting.

*(Section 9.7010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)*

- 9.7015 Application Completeness Review.** The city shall review an application 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 181<sup>st</sup> 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.

*(Section 9.7015, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

- 9.7020 Extension of Time Limit Restrictions.** 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.

*(Section 9.7020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

- 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) Planned unit development, final plan and any modifications.
  - (e) Site review and any modifications.
  - (f) Subdivisions final plat and any modifications.
  - (g) Standards review and any modifications.
- (2) **Preparation and Signatures.** The city shall mail or otherwise submit to the applicant a performance agreement. The performance agreement binding the applicant, and the applicant's successors in interest, assuring construction and performance in accordance with the approved final plans shall be executed by the applicant and city and notarized in a manner suitable for recording prior to issuance of a development permit.
- (3) **Petitions for Improvements and Dedications.** Improvement petitions and all documents required with respect to dedications and easements shall be submitted by the applicant to the city prior to the execution of the performance agreement.

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- (4) **Return.** Any changes to the form as submitted to the applicant shall be approved by the city prior to execution or acceptance by the city. Final plan approval of a land use decision listed in EC 9.7025(1), or a modification thereto, shall expire, necessitating re-application, if the applicant has not returned an executed copy of the performance agreement to the planning director within 90 days of its submittal to the applicant.
- (5) **Recordation.** The city shall file a memorandum of the performance agreement in the office of the Lane County Recorder.
- (6) **Modifications.** Approval of a modification to any land use application that is subject to the provisions of a performance agreement shall require comparable modifications to the performance agreement consistent with the provisions of this section.
- (7) **Enforcement.** If an applicant or an applicant's successor in interest violates or fails to comply with any of the provisions of the performance agreement or final approved plan, the city may invoke the enforcement procedures provided in the performance agreement, or under applicable law, or both.

*(Section 9.7025, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**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) Planned unit development, final plan and any modifications.
- (6) Property line adjustment.
- (7) Site review and any modifications.
- (8) Variances.
- (9) Willamette Greenway permit and any modifications.
- (10) Zone change.
- (11) Vacations.

*(Section 9.7030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

## Application Review Authorities and Processes

**9.7035** **Application Review Authorities and Processes.** Application review shall follow one of five types of procedures based on whether the decision is administrative (Type I), quasi-judicial (Type II, Type III or Type IV), or legislative (Type V).  
(Section 9.7035, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7040** **Description of Administrative Decisions Type I.** Administrative decisions of the planning director follow a Type I process that involves a review based on clear and objective standards. The Type I process does not involve public notice or a public hearing prior to the decision and does not allow for a local appeal of the decision.  
(Section 9.7040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7045** **Description of Quasi-judicial Decisions Type II, Type III, Type IV.** Quasi-judicial decisions follow either a Type II, Type III or a Type IV process. A quasi-judicial decision concerns a specific site or area, and involves the exercise of discretion in making a decision.

- (1) A Type II process is based on a review of criteria that requires a limited amount of discretion. The Type II process includes public notice of the application and an opportunity for citizens to provide comments prior to the decision. The process does not include a public hearing unless the decision is appealed. Notice of the decision is provided to allow the applicant or an adversely affected person to appeal the decision to a higher local review authority.
- (2) A Type III process is a decision-making process in which a hearings official or the historic review board makes the initial decision. The Type III process includes public notice and a public hearing, as well as the opportunity for a local appeal to be filed by the applicant, an individual who testified orally or in writing during the initial public hearing, or affected neighborhood group.
- (3) In a Type IV process, the planning commission reviews the application and forwards a recommendation to the city council, which holds a public hearing and makes a final decision. The Type IV process includes public notice, and public hearings before the planning commission and city council prior to the final decision. The city council decision is the final local decision.

(Section 9.7045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7050** **Description of Legislative Decisions Type V.** Legislative decisions are made by the city council following a Type V process in which the planning commission reviews the application and makes a recommendation to the city council. The Type V process includes public notice and public hearings before the planning commission and city council prior to the final decision. The city council's decision is the final decision.

(Section 9.7050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**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

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type.

<b>Table 9.7055 Applications and Review Authorities</b>						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
<b>Application</b>	<b>Type</b>	<b>Planning Director</b>	<b>Hearings Official</b>	<b>Historic Review Board</b>	<b>Planning Commission</b>	<b>City Council</b>
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			
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 (See EC 9.7700)	IV or V				R	D
Partition:						
- Tentative Plan	II	D	A			
- Final Plat	I	D				
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			

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<b>Table 9.7055 Applications and Review Authorities</b>						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
<b>Application</b>	<b>Type</b>	<b>Planning Director</b>	<b>Hearings Official</b>	<b>Historic Review Board</b>	<b>Planning Commission</b>	<b>City Council</b>
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			
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, or Metro Plan amendment shall follow applicable procedure for each type of amendment.						

(Section 9.7055, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20353, enacted November 28, 2005, effective June 1, 2006; clerically corrected February 21, 2007; amended by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008; Ordinance No. 20411, enacted June 9, 2008, effective July 11, 2008; Ordinance No. 20417, enacted August 11, 2008, effective July 9, 2009; Ordinance No. 20430, enacted March 9, 2009, effective June 10, 2009; and Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)

**9.7060 Appeals.** If a decision has no appeal authority designated in Table 9.7055 Applications and Review Authorities, an appeal of the decision may be made only to a review authority outside the city's jurisdiction, as provided by state statutes.

(Section 9.7060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## Quasi-Judicial Hearings

### 9.7065 Quasi-Judicial Hearings- Procedures.

- (1) The quasi-judicial procedures set forth in EC 9.7065 through 9.7095 supercede any rules of procedures (Roberts Rule of Order), resolution, bylaw, ordinance, or section of this code or conflicting rules or procedures. Where these procedures conflict with requirements of state law, state law shall prevail.
- (2) No member of the hearings body may discuss or vote on a matter when:
  - (a) Any of the following has a direct or substantial pecuniary interest in the matter: the member or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any organization or business in which the member is then serving as an officer or director or employee or has so served within the previous 2 years; or any business with which the member is negotiating for or has an arrangement or understanding concerning a prospective partnership, employment or other business affiliation.
  - (b) The member owns all or a portion of the property that is the subject of the matter before the hearings body or owns abutting or adjacent property.
  - (c) The member has a direct personal interest in the matter or for any other reason cannot participate in the hearing and decision impartially.
- (3) Because of the importance of preserving public confidence in decisions made by the hearings body, a member of that body may elect to abstain from a particular hearing when the member is not disqualified under subsection (2) of this section, but desires to avoid the appearance of partiality. Abstention in such an instance shall be solely a matter of the member's own judgment. A member who feels that abstention may be necessary or desirable under this section shall seek the advice of the body and then state the member's decision and the reasons therefor.
- (4) No other officer or employee of the city who has a financial or other private interest in a matter before the body may participate in discussion of the matter with, or give an official opinion on the matter to, the body without first declaring for the record the nature and extent of that interest.
- (5) Any proponent or opponent of, or person interested in, a matter to be heard, and any member of the hearings body may challenge the qualification of any other member of that body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger as the basis for the challenge.
  - (a) Except for good cause shown, the challenge shall be delivered by personal service to the planning director and the person whose qualification is challenged, not less than 48 hours preceding the time set for the hearing.
  - (b) The challenge shall be made a part of the record of the hearing.

*(Section 9.7065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20286, enacted March 10, 2003, effective April 9, 2003.)*

### 9.7070 Quasi-Judicial Hearings--Presiding Officer.

- (1) The presiding officer shall:
  - (a) Regulate the course and decorum of the hearing.

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- (b) Dispose of procedural requests or similar matters.
  - (c) Impose reasonable limitations on the number of witnesses to be heard and set reasonable time limits for oral presentation, questioning of witnesses, and rebuttal testimony.
  - (d) Take other action authorized by the body for conduct appropriate for the hearing.
- (2) Any ruling by the presiding officer may be put to a vote by the body upon a motion duly made, seconded and discussed. The decision on the motion shall be final for the purpose of the proceeding.

*(Section 9.7070 added by Ordinance No. 20286, enacted March 10, 2003, effective April 9, 2003; and administratively corrected April 18, 2003.)*

### **9.7072 Quasi-Judicial Hearings—Conduct.**

- (1) No person may be disorderly, abusive, or disruptive of the conduct of the hearing.
- (2) No person may present evidence, argument or comment without first being recognized by the presiding officer.
- (3) All witnesses shall identify themselves and their place of residence.
- (4) Any employee, agent, or officer of the city shall disclose his or her relationship to the city when commencing to testify.
- (5) Formal rules of evidence as used in courts of law shall not apply.
- (6) Audience demonstrations such as applause, cheering, display of signs, and other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing.

*(Section 9.7072 added by Ordinance No. 20286, enacted March 10, 2003, effective April 9, 2003.)*

### **9.7075 Quasi-Judicial Hearings - Order of Procedure.**

- (1) The presiding officer in the conduct of the hearing shall:
  - (a) Commence the hearing by announcing the nature and purpose of the hearing and summarizing the rules for its conduct.
  - (b) Call for statements of conflicts of interest, ex parte contacts, and biases, abstentions under EC 9.7065(3), or challenges to impartiality submitted pursuant to EC 9.7065(5).
    - 1. Any member of the hearings body who has been subject to significant ex parte contacts regarding the matter shall place on the record the substance of the communication. If the contact has not impaired the member's impartiality, the member shall so state and may then participate in the hearing and decision. If the member believes that his or her impartiality has been affected by the contacts, the member shall not participate in the hearing and decision. If the member is uncertain or wishes to avoid the appearance of partiality, he or she shall seek the body's advice and announce a decision regarding participation in the hearing and decision, and give the reasons for the action. If the member making the disclosure of ex parte contacts decides to participate in the hearing, the presiding officer shall announce that any person, during his or her testimony, has the right to rebut the substance of the communication. Communication between city staff and the hearings body shall not be considered an ex parte contact.

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2. Any member of the hearings body who has a potential conflict of interest in the matter shall disclose the nature of the potential conflict, on the record. Following disclosure, the member may proceed in the same manner as described in subparagraph 1. of this subsection.
  3. Any member of the hearings body who has an actual conflict of interest in the matter shall disclose the nature of the actual conflict, on the record. Following disclosure of the reason for abstention, the member shall leave the table during hearing, deliberation, discussion, and voting on the matter.
  4. Any member considering abstention for reasons other than those described above shall state the reasons for the abstention, seek the advice of the body, and announce a decision and the reasons therefor.
- (c) Receive staff notes and reports of site views.
- (d) Call for testimony in the following order:
1. The proponent/applicant or its representative.
  2. Neutral parties.
  3. Opponents.
  4. City staff presentation and recommendations.
  5. Proponent/applicant rebuttal.
- (e) Announce whether:
1. The record is closed;
  2. The record will be held open; or
  3. The hearing will be continued.
- (2) **Coordination of Testimony.** To the degree necessary for an orderly process within available time, the presiding officer may consolidate submissions by participants or establish reasonable time limits for presentation of testimony. One or more spokespersons for any group may be designated by the presiding officer.
- (3) **Questioning of Witnesses.** The questioning of witnesses is a matter solely within the discretion of the hearings body acting through the presiding officer. The presiding officer, as he or she deems it necessary or desirable, may permit the questioning of witnesses by members of the hearings body, staff and other interested persons at the conclusion of the witness's presentation. No questioning of witnesses shall be permitted after the proponent /applicant rebuttal, except the questioning of the proponent /applicant as to matters contained in rebuttal testimony.
- (4) Notwithstanding any other rule, an abstaining or disqualified member shall constitute part of a quorum and may represent the member's interest at a hearing, provided the member joins the audience, makes full disclosure of the member's status and position when addressing the body and abstains from discussion and from voting on the matter as a member of the body.
- (5) Disqualification for reasons set forth in EC 9.7065(2) may be ordered by a majority of the members of the hearings body present at the hearing. The member who is the subject of the motion for disqualification may not vote on the motion.
- (6) If all members of the body abstain or are disqualified and consequently cannot reach a decision while so abstaining or disqualified, all members present, after stating their reasons for abstention or disqualification, shall by so doing be



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requalified and proceed to resolve the issues, unless such participation violates state or federal law or the city charter.

- (7) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

*(Section 9.7075, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20286, enacted March 10, 2003, effective April 9, 2003.)*

**9.7085 Quasi-Judicial Hearings- Burden of Proof.** The burden of proof is upon the applicant. A decision to resolve the issues presented shall be based upon reliable, probative and substantial evidence in the record.

*(Section 9.7085, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7090 Quasi-Judicial Hearings–Amendment and Suspension of Rules.** Any rule of procedure not required by federal or state law or the city charter may be amended or suspended at any hearing by majority vote of those members of the hearings body present and voting.

*(Section 9.7090 added by Ordinance No. 20286, enacted March 10, 2003, effective April 9, 2003.)*

**9.7095 Quasi-Judicial Hearings - Official Notice and Record of Proceedings.**

**(1) Official Notice.**

- (a) The hearings body may take official notice of the following:
1. All facts which are judicially noticeable.
  2. All public records of the city.
  3. The charter, ordinances, resolutions, rules, regulations, and officially promulgated policies of the city.
- (b) Matters officially noticed need not be established by evidence and may be considered by the hearings body in the determination of the proposal.

**(2) Record of Proceedings.**

- (a) An adequate record of the hearing shall be prepared in accordance with section 2.007(7) of this code, as applicable. To assist in the preparation of the record, the proceedings may be stenographically or electronically recorded, but the record need not set forth evidence verbatim.
- (b) Where practicable, the presiding officer shall cause all presented physical and documentary evidence to be marked to show the identity of the person offering the evidence and to indicate whether it is presented on behalf of the proponent or an opponent.
- (c) Any member of the public shall have access to the record of the proceedings at reasonable times and places. Members of the public shall be entitled to obtain copies of the record at their own expense.

*(Section 9.7095, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Type I Application Procedures

**9.7100 General Overview of Type I Application Procedures.** The Type I process provides for an administrative review of an application by the planning director based on provisions in this land use code which do not require the exercise of discretion. The application process does not include notice.

*(Section 9.7100, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7105 Type I Application Requirements and Criteria Reference.** The following applications are reviewed under the Type I process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7105.

<b>Table 9.7105 Type I Application Requirements and Criteria</b>	
<b>Type I Applications</b>	<b>Beginning Reference</b>
Historic Landmark, Removal of Designation	EC 9.8150
Partition – Final Plat	EC 9.8225
Property Line Adjustment	EC 9.8400
Subdivision – Final Plat	EC 9.8550
Temporary Manufactured Dwelling Hardship Permit	EC 9.8600
Temporary Manufactured Dwelling Hardship Permit - Renewal	EC 9.7120(2)
Vacation of an Unimproved Public Easement	EC 9.8700
WR Water Resources Conservation Overlay Zone – Map or Zone Error	EC 9.4960(2)

*(Section 9.7105, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, enacted December 25, 2002; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)*

**9.7110 Decision.** Within 30 days of the city’s determination that an application is complete, unless the applicant agrees to a longer time period, the planning director shall approve, approve with conditions, or deny the application based on findings and conclusions according to the requirements and criteria found in EC 9.8000 through 9.8865. The decision of the planning director is final.

*(Section 9.7110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.7115 Notice of Decision.** Within 5 days after the planning director renders a decision, the applicant and property owner shall be notified in writing of the decision.

*(Section 9.7115, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7120 Expiration of Temporary Manufactured Dwelling Permits.**

- (1) Temporary manufactured dwelling hardship permit approvals shall be valid for 12 months after the effective date of approval or until the hardship ceases to exist, whichever occurs first.
- (2) The permittee may submit a renewal application provided the renewal application is submitted not less than 45 days prior to the expiration of the currently approved permit. The renewal application shall be submitted on a form approved by the city manager. The renewal shall be approved, according to a Type I process, if the applicant provides a written

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communication as described in EC 9.8615(1) showing continued hardship.  
The renewal shall be valid for no more than 12 months.

*(Section 9.7120, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)*

## Type II Application Procedures

**9.7200 General Overview of Type II Application Procedures.** The Type II 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. The process does not include a public hearing unless the planning director's decision is appealed.

*(Section 9.7200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7205 Type II Application Requirements and Criteria Reference.** The following applications are typically reviewed under the Type II review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7205. To accommodate a request for concurrent review, the city may instead review multiple applications according to the highest applicable type.

<b>Table 9.7205 Type II Application Requirements and Criteria</b>	
<b>Type II Applications</b>	<b>Beginning Reference</b>
Adjustment Review	EC 9.8015
Cluster Subdivision	EC 9.8040
Conditional Use Permit, Modification	EC 9.8107
Design Review	EC 9.8110
Design Review, Modification	EC 9.8114
Hazardous Materials Review	EC 9.8130
Historic Property, Alteration	EC 9.8175
Historic Property, Demolition	EC 9.8180
Historic Property, Moving	EC 9.8185
<b>Partition:</b>	
- Tentative Plan	EC 9.8200
Planned Unit Development, Final Plan	EC 9.8350
Planned Unit Development, Modification	EC 9.8370
Site Review	EC 9.8425
Site Review, Modification	EC 9.8455
Standards Review	EC 9.8460
<b>Subdivision:</b>	
- Tentative Plan	EC 9.8500
Traffic Impact Analysis Review	EC 9.8650
Vacation of Unimproved Public Right-of-way and Improved Public Easements (except public right-of-way and improved public easements located within undeveloped subdivision and partition plats)	EC 9.8700
Vacation and Re-dedication of Unimproved Public Right-of-way	EC 9.8700
Variance	EC 9.8750
WQ Water Quality Overlay Zone – Map Correction/Removal of Overlay Zone	EC 9.4786(3)
WR Water Resources Conservation Overlay Zone – Map or Zone Error	EC 9.4960(3)
Willamette Greenway Permit, Modification	EC 9.8825

*(Section 9.7205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20400,*

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*enacted December 10, 2007, effective January 1, 2008; Ordinance No. 20411, enacted June 9, 2008, effective July 11, 2008; Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; and Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

### **9.7210 Notice of Application.**

- (1)** Within 10 days of the city's determination that an application is complete, but no less than 20 days before the planning director makes a decision, written notice of the application shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Owners and occupants of the subject property.
  - (c) Owners and occupants of properties located within 300 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) For final partitions, final subdivisions, and final PUDs, to interested parties of record from the tentative decision.
  - (g) For modification applications, to persons who requested notice of the original application that is being modified.
- (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 Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the decision maker 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)** If the application being reviewed is for a tentative subdivision or site review, the notice shall be posted in at least 3 locations within 300 feet of the perimeter of the subject property. Additionally, at least 1 freestanding sign at least 6 square feet in area shall be installed on the subject property, facing the improved street abutting the property, if any. For properties that abut more than one improved street, such a sign shall be installed facing each improved street.
- (5)** 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.

*(Section 9.7210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

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**9.7215** **Decision.** Within 45 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the planning director shall approve, conditionally approve, or deny a Type II 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.

*(Section 9.7215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7220** **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) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
  - (d) Any group or individual who submitted written comments during the comment period.
  - (e) Those groups or individuals who requested notice of the decision.
  - (f) Property owners and occupants of property located within 300 feet of the perimeter of the subject property.
- (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 any person who is adversely affected or aggrieved or who was mailed a written notice of the planning director's decision 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 13th day after notice of the decision is mailed.

*(Section 9.7220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.7225** **Approved Site Plans.** When a Type II application approval requires a final

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

(Section 9.7225, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**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.

<b>Table 9.7230 Expiration of Type II Application Approvals</b>			
<b>Application</b>	<b>12 months</b>	<b>18 months</b>	<b>36 months</b>
Adjustment Review		X	
Conditional Use Permit, Modification		X	
Design Review			X
Design Review, Modification			X
Historic Property, Alteration		X	
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	

- (2) Modifications to a conditional use permit shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit to the city a final approved site plan and a development permit application or shall commence the authorized activity if no development permit is required. If the applicant fails to meet this requirement, the approval of the modification automatically expires. Prior to the expiration date, the applicant may submit another modification application requesting a change to the commencement or expiration time period.
- (3) Historic property alteration approval shall be effective for 18 months after the effective date of approval, and construction shall commence within that time. The planning director may extend the commencement or completion time period if the applicant files an extension request with the city prior to the expiration of the applicable time period.
- (4) Tentative partition approval shall be effective for 18 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 at Lane County Deeds and Records. If the approved final plat is not recorded within 12 months after the final plat is submitted, the tentative partition approval is

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- revoked and the land division procedures must be repeated.
- (5)** Final planned unit development approvals and modifications to a planned unit development approval shall be effective for 36 months after the effective date of approval. Within that time, the applicant shall submit to the city a final plan and an application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period. Unless the planning director provides otherwise, expiration of final plan approval of any phase automatically voids approval of all phases on which construction has not commenced.
  - (6)** Site review and standards review approvals and modifications of such approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit a final plan and an application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period.
  - (7)** Tentative subdivision approval 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.
  - (8)** Variance approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant must obtain a development permit, if necessary, or otherwise commence the approved use.
  - (9)** Approvals for adjustment review or traffic impact analysis review not considered as part of another land use application shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit an application for a development permit or the approval shall expire. Adjustment review or traffic impact analysis review approvals that are considered as part of another land use application shall be effective for the same time period as the primary land use application.

*(Section 9.7230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; and Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*



## Type III Application Procedures

**9.7300 General Overview of Type III Application Procedures.** The Type III process provides for a quasi-judicial review of a land use application by the hearings official or the historic review board. The application process includes notice to nearby occupants and property owners, and a public hearing before the appropriate review authority, as specified in Table 9.7055 Applications and Review Authorities.  
(Section 9.7300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7305 Type III Application Requirements and Criteria Reference.** The following applications are typically reviewed under the Type III review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7305. To accommodate a request for concurrent review, the city may instead review multiple applications according to the highest applicable type.

<b>Table 9.7305 Type III Application Requirements and Criteria</b>	
<b>Type III Applications</b>	<b>Beginning Reference</b>
Adjustment Review (when part of a Type III Application)	EC 9.8015
Conditional Use Permits (CUP)	EC 9.8075
Historic Landmark Designation	EC 9.8150
Planned Unit Development, Tentative Plan	EC 9.8300
Willamette Greenway Permit	EC 9.8800
Zone Changes*	EC 9.8850

\*Zone changes processed concurrently with a Metro Plan amendment, the adoption or amendment of a refinement plan, or a land use code amendment shall follow the applicable procedure for the amendment. A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260. Removal of the /WQ overlay zone is controlled by EC 9.4786. Removal of the /WR overlay zone is controlled by EC 9.4960.

(Section 9.7305, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)

**9.7310 Public Hearing Schedule.** Within 60 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the city shall hold a public hearing on a Type III application.  
(Section 9.7310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.7315 Public Hearing Notice.**

- (1) When required by state law, at least 45 days prior to the public hearing, the city shall mail notice to the state Department of Land Conservation and Development that includes the proposed map change and the date of the hearing.
- (2) At least 30 days prior to the hearing, written notice of the public hearing and the nature of the request shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Owners and occupants of the subject property.

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- (c) Owners and occupants of property located within 500 feet of the perimeter of the subject property.
  - (d) Neighborhood group and 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) For Willamette Greenway permits, public hearing notice shall also be provided to the Oregon Department of Transportation.
- (3) 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 of the hearing.
  - (d) The nature of the application and the proposed use or uses which could be authorized.
  - (e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
  - (f) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  - (g) 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.
  - (h) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision maker to respond to the issue, precludes an appeal based on that issue.
  - (i) The name and telephone number of a city contact person.
  - (j) A brief summary of the local decision making process for the decision being made.
- (4) If the application under review is for a conditional use permit, planned unit development tentative plan, Willamette River Greenway permit, or zone change, the notice shall be posted in at least 3 locations within 500 feet of the perimeter of the subject property. Additionally, at least 1 freestanding sign at least 6 square feet in area shall be installed on the subject property, facing the improved street abutting the property, if any. For properties that abut more than one improved street, such a sign shall be installed facing each improved street.
- (5) 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.

*(Section 9.7315, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.7320 Investigation and Report.** At least 7 days prior to the public hearing the city shall submit the staff report to the hearings official or historic review board and make it available to the public upon request. A copy shall be mailed or delivered to the applicant at the time it is delivered to the hearings official or historic review board.

*(Section 9.7320, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7325**     **Public Hearing Conduct and Procedures.** Unless otherwise provided in this land use code, the public hearing shall be conducted in accordance with the quasi-judicial hearing procedures of State law and as set forth in EC 9.7065 through 9.7095.

*(Section 9.7325, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7330**     **Decision.** Unless the applicant agrees to a longer time period, within 15 days following the close of the record, the hearings official or historic review board shall approve, approve with conditions, or deny a Type III application. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria, standards and facts set forth.

*(Section 9.7330, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7335**     **Notice of Decision.**

- (1) Within 5 days after the hearings official or historic review board renders a decision, notice of the decision shall be mailed to the following:
  - (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
  - (d) Any group or individual who provided written or oral testimony prior to the close of the public comment period.
  - (e) For Willamette Greenway permits, to the Oregon Department of Transportation.
- (2) The notice shall include the following:
  - (a) A summary of the decision.
  - (b) An explanation of 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.
- (4) Unless appealed pursuant to EC 9.7655 Filing of Appeal of Hearings Official or Historic Review Board Initial Decision, the decision is final on the 13<sup>th</sup> day after notice of the decision is mailed.

*(Section 9.7335, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009)*

**9.7340**     **Expiration.**

- (1) Approval of a Type III application shall not expire except as provided in subsections (2) through (4). If an approval of a Type III application has expired according to any of the conditions stated in subsections (2) through (4), the original application approval is revoked.
- (2) Unless the hearings official designates otherwise, a conditional use permit approval shall expire 18 months after the effective date of approval unless actual construction or alteration has begun under a required permit, or in the case of a permit not involving construction or alteration, actual commencement of the authorized activity has begun. However, the applicant may submit a modification application at any time before the 18-month period

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has expired, requesting an extension of the approval period. The applicant may request more than one extension. Under no circumstances, however, can the total combined extension periods exceed 36 months from the original expiration date.

- (3)** A planned unit development tentative plan approval shall expire if the applicant fails to submit a planned unit development final plan application in accordance with the schedule approved at the time of tentative plan consideration. In the absence of a specified schedule, the tentative plan approval shall expire 18 months after the effective date of tentative plan approval.
- (4)** Unless the decision specifies otherwise, a Willamette Greenway permit approval shall expire 18 months after the effective date of approval unless actual construction or alteration has begun under a required permit, or in the case of a permit not involving construction or alteration, actual commencement of the authorized activity has begun. However, the applicant may submit a modification application at any time before the 18-month period has expired, requesting an extension of the approval period. The applicant may request more than one extension. Under no circumstances, however, can the total combined extension periods exceed 36 months from the original expiration date. Within S-DR, upon approval of a Willamette Greenway Permit concurrently with Type V code amendments and other plan amendments, plan adoption, or zone change; the Willamette Greenway permit shall remain in effect so long as the S-DR zone remains in effect.

*(Section 9.7340, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

## Type IV Application Procedures

**9.7400 General Overview of Type IV Application Procedures.** The Type IV process provides for a quasi-judicial review by the planning commission and city council of applications that involve a specific site. The Type IV process includes public notice and a public hearing. A public hearing is held before the planning commission, which forwards a recommendation to the city council. The city council holds a public hearing before making a final decision. The city council's decision is based on compliance with applicable approval criteria in this land use code. (Type IV applications do not include amendments to the Metro Plan; refer to EC 9.7700 Description of Metro Plan Amendment.)

*(Section 9.7400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7405 Type IV Application Requirements and Criteria Reference.** The following applications are reviewed under the Type IV review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7405.

<b>Table 9.7405 Type IV Application Requirements and Criteria</b>	
<b>Type IV Applications</b>	<b>Beginning Reference</b>
Refinement Plan Amendment, Site Specific Change	EC 9.8421
Street Name Change	EC 9.8475
Zone Changes Processed Concurrent with a site specific Refinement Plan amendment*	EC 9.8850

\*A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260.

*(Section 9.7405, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; amended by Ordinance No. 20353, enacted November 28, 2005, effective June 1, 2006.)*

**9.7410 Planning Commission Public Hearing Schedule.** Within 60 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the planning commission shall conduct a public hearing to consider the application.

*(Section 9.7410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7415 Public Hearing Notice.**

- (1) In the case of a refinement plan amendment, at least 45 days prior to the planning commission public hearing the city shall mail written notice to the State Department of Land Conservation and Development that includes the text of the proposed amendment, any proposed change to the zoning map to be considered concurrently with a refinement plan amendment (unless notice is not required by state law), and the date of the planning commission hearing.
- (2) At least 30 days before the planning commission public hearing, written notice of the hearing and the nature of the request shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Owners and occupants of property that is the subject of a proposed application.

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- (c) Owners and occupants of property located within 300 feet of the perimeter of the subject property.
  - (d) The neighborhood group and community organizations officially recognized by the city council that includes the area of the subject property.
  - (e) Community organizations that have submitted written requests for notification.
- (3) The notice shall include the following:
- (a) The street address or other easily understood geographical reference to the subject property.
  - (b) The applicable criteria for the decision.
  - (c) The place, date, and time that comments are due.
  - (d) An explanation of the nature of the application and the proposed use or uses which could be authorized.
  - (e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
  - (f) A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.
  - (g) A statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost.
  - (h) A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing with sufficient specificity to enable the decision maker to respond to the issues prior to the expiration of the comment period.
  - (i) The name and telephone number of a city contact person.
  - (j) A brief summary of the local decision making process for the decision being made.
- (4) The notice of a proposed change in zoning concurrent with a site specific refinement plan amendment shall serve as sufficient public notice of the possibility that an overlay zone may be added during this same hearing process.
- (5) The notice shall be posted in at least 3 locations within 300 feet of the perimeter of the subject property. Additionally, at least 1 freestanding sign at least 6 square feet in area shall be installed on the subject property, facing the improved street abutting the property, if any. For properties that abut more than one improved street, such a sign shall be installed facing each improved street.
- (6) 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.

*(Section 9.7415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.7420 Investigation and Report.** At least 7 days prior to the public hearing, a staff report shall be submitted to the planning commission for consideration, and made available to the public upon request. A copy shall be mailed or delivered to the applicant at the time it is delivered to the planning commission.

*(Section 9.7420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7425 Planning Commission Public Hearing Conduct and Procedures.** The planning commission shall conduct a public hearing according to the quasi-judicial procedures of State law and those set out in EC 9.7065 to 9.7095.

*(Section 9.7425, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7430 Planning Commission Recommendation.** Within 30 days following the close of the record, unless the applicant agrees to a postponement, the planning commission shall recommend to the city council approval, approval with modifications, or denial of the application. The recommendation of the planning commission shall be based on required approval criteria.

*(Section 9.7430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7435 City Council Public Hearing Schedule.** Within 60 days of the planning commission's recommendation, unless a longer time frame is agreed to by the applicant, the city council shall conduct a public hearing to consider the planning commission's recommendation.

*(Section 9.7435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7440 Public Hearing Notice.**

- (1)** At least 10 days before the city council hearing, written notice of the hearing shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Any person who has submitted written or oral testimony in a timely manner during the planning commission hearing procedures.
  - (d) Any person who requested notice of the planning commission's decision.
- (2)** The notice shall:
  - (a) Set forth the street address or other easily understood geographical reference to the subject property.
  - (b) List the applicable criteria for the decision.
  - (c) State the place, date, and time that comments are due.
  - (d) Explain the nature of the application and the proposed use or uses which could be authorized.
  - (e) State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
  - (f) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  - (g) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost.
  - (h) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing with sufficient specificity to enable the decision maker to respond to the issue prior to the expiration of the comment period.
  - (i) Include the name and telephone number of a city contact person.
  - (j) Briefly summarize the local decision making process for the decision being made.
- (3)** For street name change applications, notice shall be published in a local

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newspaper with general circulation within the city at least one time during the week immediately preceding the week of the city council hearing. The notice shall state the time and place of the hearing, describe the nature of the application, and inform the public of the opportunity to provide testimony.

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

*(Section 9.7440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009)*

**9.7445** **City Council Public Hearing Conduct and Procedures.** The city council shall conduct a public hearing according to the quasi-judicial procedures in State law and as set forth in EC 9.7065 through 9.7095, Quasi-Judicial Hearings. New evidence shall be accepted.

*(Section 9.7445, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)*

**9.7450** **Decision.** The city council shall make a decision within 30 days of the close of the record, unless a longer time frame is agreed to by the person or entity initiating the application. The city council may approve, modify and approve, or deny the Type IV application based on applicable approval criteria in this land use code.

*(Section 9.7450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7455** **Notice of Decision.**

- (1) Within 5 days of the decision, written notice of the decision shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Any person who has submitted written or oral testimony in a timely manner during the city council hearing procedures.
  - (c) Any person who requested notice of the city council's decision.
  - (d) In the case of a refinement plan amendment, the Oregon Department of Land Conservation and Development.
- (2) The notice shall:
  - (a) Summarize the decision of the city council.
  - (b) Explain the appeal rights.
  - (c) In case of a notice being provided to the Oregon Department of Land Conservation and Development, the notice shall also contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text previously sent under EC 9.7440(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed.
- (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.

*(Section 9.7455, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009)*



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## Type V Application Procedures

**9.7500**     **General Overview of Type V Application Procedures.** Type V applications provide for a legislative review by the planning commission and city council of changes to this land use code, amendments to refinement plans that include policies or map changes that are broad in scope (not limited to a specific site), and adoption of an entire update to a refinement plan. The Type V process includes public notice and a public hearing before the planning commission, which forwards a recommendation to the city council. The city council holds a public hearing before making a final decision. The city council's decision is based on compliance with the applicable criteria of this land use code. (Type V applications do not include citizen-initiated amendments to the Metro Plan; refer to EC 9.7700 Description of Metro Plan Amendments.)

*(Section 9.7500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)*

**9.7505**     **Type V Application Requirements and Criteria Reference.** The following applications are reviewed under the Type V review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7505:

<b>Table 9.7505 Type V Application Requirements and Criteria</b>	
<b>Type V Applications</b>	<b>Beginning Reference</b>
Land Use Code Amendments	EC 9.8060
Refinement Plan Amendments to policies and/or maps that are not limited to a specific site	EC 9.8421
Refinement Plan Adoption or Update	EC 9.8421
Zone Change concurrent with a Code Amendment	EC 9.8850
Special Area Zone Establishment or Amendment	EC 9.3000
Zone Change to apply the /ND Overlay Zone to Nodal Development Areas concurrent with a Metro Plan diagram amendment to apply the ND Nodal Development designation	EC 9.4260

*(Section 9.7505, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003.)*

**9.7510**     **City-Initiation of Applications.** The city council may initiate a Type V application on its own behalf, or in response to a person's written request filed with the planning director that the city council initiate a land use code or refinement plan amendment. A copy of any staff report shall be mailed to the person requesting initiation of the amendment and, if the request is for a refinement plan amendment, the neighborhood group that includes the area of the refinement plan, at the same time that it is provided to the planning commission.

*(Section 9.7510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7520**     **Public Hearing Notice.**

- (1) At least 45 days prior to the planning commission public hearing, the city shall mail written notice to the State Department of Land Conservation and Development that includes the text of the proposed amendment, any

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proposed change to the zoning map to be considered concurrently with a code amendment (unless notice is not required by state law), and the date of the planning commission hearing.

- (2) At least 30 days before the planning commission public hearing, written notice of the hearing and the nature of the request shall be mailed to all of the following:
  - (a) Lane County and City of Springfield planning directors.
  - (b) All neighborhood groups officially recognized by the city council.
  - (c) Community organizations that have submitted written requests for notification.
- (3) At least 20 days prior to the planning commission public hearing, notice of the public hearing shall be published in a local newspaper of general circulation within the city.
- (4) Responsibility and procedures for mailing and publishing the notices described in this section may be established by administrative rule of the city manager pursuant to section 2.019 of this code.

*(Section 9.7520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.7525 Investigation and Report.** At least 7 days prior to the public hearing, the city shall submit the staff report to the planning commission and make it available to the public upon request. A copy of the report shall be mailed or delivered to the applicant at the time it is delivered to the planning commission.

*(Section 9.7525, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7535 Planning Commission Public Hearing and Recommendation.** Following the public hearing and close of the record, the planning commission shall recommend to the city council approval, approval with modifications, or denial of the application. The recommendation of the planning commission shall be based on the applicable approval criteria in this land use code.

*(Section 9.7535, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7540 City Council Public Hearing Schedule.** The city council shall conduct a public hearing to consider the planning commission's recommendation.

*(Section 9.7540, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7545 Public Hearing Notice.** At least 10 days before the city council hearing, written notice of the hearing shall be mailed to the following:

- (1) Any person who provided oral or written testimony in a timely manner during the planning commission hearing procedures.
- (2) Any person who requested notice of the planning commission's decision.
- (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.

*(Section 9.7545, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.7550 City Council Decision.** The city council shall conduct a public hearing. Upon conclusion of the public hearing, if the city council chooses to act, it may approve, modify and approve, or deny the Type V application with written findings and conclusions based on applicable criteria in this land use code.

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*(Section 9.7550, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.7560**     **Notice of Decision.**

- (1)** Within 5 days of the decision, written notice of the decision shall be mailed to all of the following:
  - (a) Any person who provided oral or written testimony in a timely manner during the city council hearing procedures.
  - (b) Any person who requested notice of the city council's decision.
  - (c) The Oregon Department of Land Conservation and Development.
- (2)** The notice shall summarize the decision of the city council and state the date of the decision.
- (3)** The notice to the Oregon Department of Land Conservation and Development must contain the text of the amendment and findings, and it must specify any substantial changes from the proposed text, if any, previously sent under EC 9.7520(1), state the date of the decision, include a certificate of mailing containing a statement signed by the person mailing the notice indicating the date the notice was deposited in the mail, and list the place where and the time when the adopted text may be reviewed.
- (4)** 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.

*(Section 9.7560, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.  
Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

## Appeal of Planning Director's Decision

**9.7600** **General Overview of Appeal Procedures.** These appeal procedures 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 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.

*(Section 9.7600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7605** **Filing of Appeal of Planning Director's Decision.**

- (1) Within 12 days of the date of the mailing of the planning director's decision, the decision may be appealed to the hearings official or historic review board according to the appeal review authority specified in Table 9.7055 Applications and Review Authorities by the following:
  - (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Neighborhood group officially recognized by the city that includes the area of the subject property.
  - (d) Any person who submitted written comments in regards to the original application.
  - (e) A person entitled to notice of the original application.
  - (f) A person adversely affected or aggrieved by the initial decision.
- (2) The appeal shall be submitted on a form approved by the city manager, be accompanied by a fee established pursuant to EC Chapter 2, and be received by the city no later than 5:00 p.m. of the 12<sup>th</sup> day after the notice of decision is mailed. The record from the planning director's proceeding shall be forwarded to the appeal review authority. New evidence pertaining to appeal issues shall be accepted.
- (3) The appeal shall include a statement of issues on appeal and be limited to the issues raised in the appeal. The appeal statement shall explain specifically how the planning director's decision is inconsistent with applicable criteria.

*(Section 9.7605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.7610** **Public Hearing Schedule.** Unless the applicant and appellant agree to a longer time period, the appeal review authority shall hold a public hearing on an appeal within 45 days of its receipt.

*(Section 9.7610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7615** **Public Hearing Notice.**

- (1) At least 20 days prior to the hearing, written notice shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Appellant.
  - (d) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.

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- (e) Any person who provided written comments prior to the close of the public comment period.
  - (f) Owners of property within 100 feet of the perimeter of 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 of the hearing.
  - (d) The nature of the application and the proposed use or uses which could be authorized.
  - (e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
  - (f) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  - (g) 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.
  - (h) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision maker to respond to the issue, precludes an appeal based on that issue.
  - (i) The name and telephone number of a city contact person.
  - (j) A brief summary of the local decision making process for the decision being made.
- (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.

*(Section 9.7615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.7620 Investigation and Report.** At least 7 days prior to the public hearing, the staff report, if any, shall be submitted to the appeal review authority and made available to the public upon request. A copy of the report shall be mailed or delivered to the applicant at the time it is delivered to the appeal review authority.

*(Section 9.7620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7625 Public Hearing Conduct and Procedures.** The appeal review authority shall conduct a public hearing according to the quasi-judicial hearing procedures in State law and EC 9.7065 through 9.7095, Quasi-Judicial Hearings.

*(Section 9.7625, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7630 Decision.**

- (1) Unless the applicant and appellant agree to a longer time period, the appeal review authority shall make a decision within 15 days of the close of the record.
- (2) The appeal review authority shall affirm, reverse, or modify the decision of the planning director. Before reversing or modifying the planning director's decision, the appeal review authority shall make findings and conclusions

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clearly stating how the planning director failed to properly evaluate the application or make a decision consistent with applicable criteria.

- (3) The action of the appeal review authority is final.
- (4) The decision of the historic review board or planning commission must be agreed upon by a majority of the board members present at a meeting. A tie vote results in affirming the decision of the planning director.

*(Section 9.7630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.7635**    **Notice of Decision.**

- (1) Within 5 days after a decision by the appeal review authority is rendered, notice of the decision shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Appellant.
  - (d) Any person who provided oral or written testimony in a timely manner during the hearing procedures.
  - (e) Any person who requested notice of the appeal decision.
- (2) The notice shall:
  - (a) Summarize the decision of the appeal review authority.
  - (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.

*(Section 9.7635, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

## Appeal of Initial Hearings Official or Historic Review Board Decision

**9.7650**     **General Overview of Appeal Procedures.** The appeal of an initial hearings official or historic review board decision provides for a review of a quasi-judicial decision by a higher review authority specified in this land use code. In general, the appeal procedures allow for a review of the original application, the hearings official or historic review board decision, the appeal application, and any facts or testimony relating to issues and materials that were submitted before or during the initial quasi-judicial public hearing process. The hearings official or historic review board decision may be affirmed, reversed, modified, or remanded by the planning commission.

*(Section 9.7650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7655**     **Filing of Appeal of Hearings Official or Historic Review Board Initial Decision.**

- (1)** Within 12 days of the date of the mailing of the decision of the hearings official or historic review board, the decision may be appealed to the planning commission as specified in Table 9.7055 Applications and Review Authorities by the following:
  - (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Neighborhood group officially recognized by the city that includes the area of the subject property.
  - (d) Any person who submitted written comments in regard to the original application.
- (2)** The appeal shall be submitted on a form approved by the city manager, be accompanied by a fee established pursuant to EC Chapter 2, and be received by the city no later than 5:00 p.m. of the 12<sup>th</sup> day after the notice of decision is mailed. The record from the proceeding of the hearings official or historic review board shall be forwarded to the appeal review authority. No new evidence pertaining to appeal issues shall be accepted.
- (3)** The appeal shall include a statement of issues on appeal, be based on the record, and be limited to the issues raised in the record that are set out in the filed statement of issues. The appeal statement shall explain specifically how and hearings official or historic review board failed to properly evaluate the application or make a decision consistent with applicable criteria. The basis of the appeal is limited to the issues raised during the review of the original application.

*(Section 9.7655, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.7660**     **Public Hearing Schedule.** Unless the applicant and appellant agree to a longer time period, the planning commission shall hold a hearing to allow oral argument on an appeal within 45 days of receipt of the appeal.

*(Section 9.7660, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7665**     **Public Hearing Notice.**

- (1)** At least 10 days prior to the hearing, written notice of the hearing shall be mailed to the following:



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- (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Appellant.
  - (d) Neighborhood group or community organization officially recognized by the city that includes the area of the subject property.
  - (e) Any person who submitted written comments in regards to the original application.
  - (f) Any person who requested notice of the previous decision or of the appellate hearing.
- (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 of the hearing.
  - (d) The nature of the application and the proposed use or uses which could be authorized.
  - (e) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost.
  - (f) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  - (g) 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.
  - (h) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision maker to respond to the issue, precludes an appeal based on that issue.
  - (i) The name and telephone number of a city contact person.
  - (j) A brief summary of the local decision making process for the decision being made.
- (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.

*(Section 9.7665, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.7670**     **Investigation and Report.** At least 7 days prior to the public hearing, the staff report, if any, shall be submitted to the planning commission and made available to the public upon request. A copy of the report shall be mailed or delivered to the applicant at the time it is delivered to the planning commission.

*(Section 9.7670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7675**     **Public Hearing Conduct and Procedures.** The planning commission shall conduct a public hearing according to quasi-judicial procedures in State law and as set forth in EC 9.7065 through 9.7095, Quasi-Judicial Hearings.

*(Section 9.7675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7680**     **Decision.** Unless the applicant and appellant agree to a longer time period, the planning commission shall make a decision within 15 days of the close of the

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record. The planning commission shall affirm, reverse, or modify any decision, determination, or requirement of the hearings official or historic review board. In addition, upon concurrence of the applicant, including waiver of the right to a decision within 120 days, and with the payment of an additional fee, the decision can be remanded to the original decision-maker. Before reversing the decision, or before changing any of the conditions of the hearings official or historic review board, the planning commission shall make findings of fact as to why the hearings official or the historic review board failed to properly evaluate the application or make a decision consistent with applicable criteria. The action must be agreed to by a majority of the members present at the hearing. A tie vote results in affirming the decision of the hearings official or the historic review board. The planning commission's action is final.

*(Section 9.7680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.7685**     **Notice of Decision.**

- (1)** Within 5 days after the planning commission's decision is rendered, written notice of the decision shall be mailed to all of the following:
  - (a) Applicant.
  - (b) Owner of the subject property.
  - (c) Appellant.
  - (d) Any person who provided oral or written testimony in a timely manner during the hearing procedures.
  - (e) Any person who requested notice of the appeal decision.
- (2)** The notice shall:
  - (a) Summarize the decision of the planning commission.
  - (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.

*(Section 9.7685, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02. Amended by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

## Metro Plan Amendment Procedures

**9.7700** **Description of Metro Plan Amendments.** The Metropolitan Area General Plan (Metro Plan) is the long-range general plan of metropolitan Lane County and the cities of Eugene and Springfield. The plan provides public policy direction concerning the growth and development of the metropolitan area. The plan is acknowledged by the State Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals. Any changes to the plan must meet local approval and be found consistent with the Statewide Planning Goals. Metro Plan Amendments are separated into two types of amendments:

- (1) Type I Metro Plan amendments include any change to the Metro Plan which:
  - (a) Changes the urban growth boundary or the jurisdictional boundary of the plan;
  - (b) Requires a goal exception not related to a UGB expansion to be taken under statewide planning goal 2; or,
  - (c) Is a non-site specific amendment of the plan text.
- (2) Type II Metro Plan amendments include any change to the Metro Plan which is not otherwise a Type I plan amendment and which:
  - (a) Changes the plan diagram; or,
  - (b) Is a site-specific plan text amendment.

The review process of a Metro Plan amendment will be determined by how many of the 3 jurisdictions -- the City of Eugene, City of Springfield and Lane County -- are determined to be decision-makers.

*(Section 9.7700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7705** **Metro Plan Amendments - Purpose.** The Metropolitan Area General Plan (Metro Plan) allows citizen-initiated Type II Metro Plan amendments to be initiated at any time. Amendments that require a final decision from 1 or 2 jurisdictions shall be concluded within 120 days of the initiating date. Amendments that require a final decision from all 3 governing bodies shall be concluded within 180 days of the initiation date. The city council may initiate a Type I or Type II Metro Plan amendment at any time. City council-initiated Metro Plan amendments are not subject to the 120-calendar-day review period. Metro Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metro Plan and the provisions of this land use code.

*(Section 9.7705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7715** **Metro Plan - Initiation of Plan Amendments.**

- (1) **Who Can Initiate Metro Plan Amendments.** An amendment to the Metro Plan can be initiated by the following persons or entities:
  - (a) **Type I Non-Site Specific Text Amendments, UGB/Plan Boundary Changes or Other Goal Exceptions.** By any of the 3 governing bodies.
    1. The council may solicit a recommendation from the planning commission before initiating this category of amendment.
    2. A citizen may seek council initiation of a Type I Metro Plan amendment by filing a written request with the city. A staff report on the request shall be submitted to the council within 30 days of receipt of the request. At the direction of 3 councilors, the request

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shall be placed on the council agenda for discussion. The request shall be considered denied if the council takes no action within 60 days of the date the staff report is submitted to the council. The council need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking council initiation of a site specific Type I Metro Plan amendment must own the property subject to the amendment.

(b) Type II Plan Diagram and Site Specific Text Amendments.

1. Inside the city limits. By the Metro Plan home city and citizens.
2. Between the city limits and the plan boundary. By any of the 3 governing bodies and citizens.
3. The council may solicit a recommendation from the planning commission before initiating this category of amendment. A citizen initiating a Type II Metro Plan amendment must own the property subject to the amendment.
4. A citizen may seek council initiation of a Type II Metro Plan amendment subject to the above requirements regarding Type I Metro Plan amendments initiated by the council at the request of a citizen.

(2) **When Plan Amendments Can be Initiated.** Amendments to the Metro Plan shall be initiated and considered at the following times:

- (a) The city council may initiate a Type I or Type II Metro Plan amendment at any time. Consideration of this type of amendment shall begin immediately thereafter.
- (b) Citizen-initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.
- (c) Consideration of a citizen-initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within 3 months of the date of application submittal. Such a requested Metro Plan amendment shall be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the 3-month period, the Metro Plan amendment application process shall begin immediately following the 3 month period. The planning director may except particular plan amendment applications from postponement under this subsection and require more immediate review if the planning director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

(3) **Where Plan Amendment Application is Filed.** Citizen-initiated Metro Plan amendment applications shall be filed in the planning office of the home city if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB.

*(Section 9.7715, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02.)*

**9.7720 Metro Plan - Referral of Plan Amendment.** All Metro Plan amendments outside the city limits of Eugene shall be referred to the city of Springfield for consideration of regional impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments inside the city limits shall be referred to the city of Springfield and Lane County so they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining regional impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no regional impact. If a referral jurisdiction adopts a resolution, ordinance, or order finding that the proposed amendment has a regional impact, that referral jurisdiction may participate in the decision if it so chooses. All jurisdictions participating in the plan amendment decision process must approve the amendment in order to enact the amendment.

*(Section 9.7720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7725 Metro Plan - Plan Amendment Application Fee.** The applicant for a citizen-initiated Metro Plan amendment shall pay an application fee in an amount set by the city manager under EC section 2.020. No application shall be processed until it is complete and accurate and the application fee is paid.

*(Section 9.7725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7730 Metro Plan - Approval of a Plan Amendment.**

**(1) Type I.**

- (a) Non-Site Specific. To become effective, a non-site specific Metro Plan text Type I Metro Plan amendment must be approved by all 3 governing bodies.
- (b) Site Specific. To become effective, a site-specific Type I Metro Plan amendment that involves a UGB or plan boundary change that crosses the Willamette or McKenzie rivers, or that crosses over a ridge into a new basin, or that involves a goal exception not related to a UGB expansion, must be approved by all 3 governing bodies. See Map 9.7730 Eugene-Springfield Metro Area Ridges and Rivers.
- (c) Site Specific. To become effective, a site-specific Type I Metro Plan amendment that involves a UGB or plan boundary change must be approved by the home city and Lane County. Exception: If the non-home city, after referral of the proposal, determines that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all 3 governing bodies must approve the amendment.

**(2) Type II.**

- (a) Inside City Limits. To become effective, a Type II Metro Plan amendment inside the city limits must be approved by the Metro Plan amendment home city.
- (b) Between the City Limits and Plan Boundary. To become effective, a Type II Metro Plan amendment between the city limits and the plan boundary must be approved by the Metro Plan amendment home city and Lane County. Exception: If the non-home city, after referral of the proposal, determines that the amendment has regional impact and, as a

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result of that determination, chooses to participate in the hearing, all 3 governing bodies must approve the amendment.

- (3) **Criteria for Approval of Plan Amendment.** The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:
- (a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and
  - (b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

*(Section 9.7730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### 9.7735 **Metro Plan - Plan Amendment Approval Process: Single Jurisdiction.**

- (1) **When the Single Jurisdiction Process is Used.** The following process shall be used to consider Type II Metro Plan amendments inside the city limits of Eugene.
- (2) **Investigation and Report.** Within 30 days after the Metro Plan amendment initiation date, planning staff shall investigate the facts bearing on the amendment application, prepare a report, and submit it to the planning commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the commission.
- (3) **Planning Commission Consideration.** Within 30 days after receipt of the staff report, the planning commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. At least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this land use code and state law. The planning commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the planning commission shall adopt a written recommendation on the proposed amendment. The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.
- (4) **City Council Action.** Within 45-days after planning commission action, the city council shall hold a public hearing on the proposed amendment. The council's decision shall be based solely on the evidentiary record created before the planning commission. No new evidence shall be allowed at the council hearing. Within 30 days after the public hearing, the council shall approve, modify and approve, or deny the proposed amendment. The council shall take this action by ordinance with adopted findings and conclusions on whether the proposal or a modified proposal meets the approval criteria. The action of the city council is final.

*(Section 9.7735, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.7740 Metro Plan - Plan Amendment Approval Process: 2 Jurisdictions.**

- (1) **When the 2 Jurisdictions Process is Used.** The following process shall be used to approve Type II Metro Plan amendments when Eugene is the Metro Plan amendment home city and Lane County must participate in the decision and the City of Springfield has chosen not to participate after consideration of a referral.
- (2) **Investigation and Report.** Within 30 days after a response is received from the city of Springfield, or within 50 days after the Metro Plan amendment initiation date if no response is received, the Eugene planning staff shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of both affected jurisdictions. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the 2 commissions.
- (3) **Planning Commission Consideration.** Within 30 days after receipt of the staff report, the planning commissions of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment. The provisions of EC 9.7735(3) apply to the joint planning commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both planning commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.
- (4) **Governing Body Action.** Within 30 days after the date the last planning commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the planning commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the decision becomes effective.
- (5) **Conflict Resolution Process.** The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment:
  - (a) The Metro Plan amendment shall be referred to the metropolitan policy committee within 5 days after the last governing body action. The metropolitan policy committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.
  - (b) If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the planning director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the

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proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by 1 or both of the governing bodies. The decision of the planning director is final.

*(Section 9.7740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.7745 Metro Plan - Plan Amendment Approval Process: 3 Jurisdictions.**

- (1) **When the 3 Jurisdiction Process is Used.** The following process shall be used to approve Type I and Type II Metro Plan amendments where all 3 jurisdictions participate in the decision.
- (2) **Investigation and Report.** Within 30 days after responses are received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of all 3 jurisdictions. The report shall be mailed or delivered to affected and interested parties at the same time it is delivered to the 3 planning commissions.
- (3) **Planning Commission Consideration.** Within 30 days after receipt of the staff report, the planning commissions of Eugene, Springfield, and Lane County shall hold a joint public hearing on the proposed plan amendment. The provisions of EC 9.7735(3) apply to the joint planning commission hearing. Within 30 days after the proposed plan amendment hearing and close of the evidentiary record, each planning commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.
- (4) **Governing Bodies' Action.** Within 30 days after the last planning commission acts on the Metro Plan amendment proposal, the governing bodies of Eugene, Springfield and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decision shall be based solely on the evidentiary record created before the planning commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if all 3 governing bodies adopt identical decisions. The date the last governing body acts shall be the date the action becomes effective. The conflict resolution provisions of EC 9.7740(5) apply if the governing bodies do not adopt identical ordinances.

*(Section 9.7745, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.7750 Metro Plan - Plan Amendment Processes: General Provisions.**

- (1) **Process for Government Initiated Plan Amendments.** A different process, time line, or both, than the processes and time lines specified in EC 9.7735, 9.7740, or 9.7745 may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.
- (2) **Time Frame Waiver.** The time frames prescribed in connection with the Metro Plan amendment processes can be waived if affected property owners



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agree to the waiver.

- (3) **Bar on Resubmittal.** The city shall not consider a privately initiated Metro Plan amendment application if a substantially similar or identical plan amendment has been denied by the city within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The planning director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.
- (4) **Relationship to Refinement Plan or Functional Plan Amendments.** When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan or functional plan diagram or map if no amendment to the refinement plan or functional plan text is involved. When a Metro Plan diagram amendment requires a refinement plan or functional plan diagram or map and text amendment for consistency, the Metro Plan, refinement plan and functional plan amendments shall be processed concurrently.
- (5) **Relationship of Amendment Process to Metro Plan Update and Periodic Review.** An update of any element of the Metro Plan requires initiation and approval by all 3 jurisdictions. Amendments to the Metro Plan that result from state-mandated periodic review require approval by all 3 jurisdictions.
- (6) **Severability of Plan Amendment Adoption Actions.** When identical action is required of 2 or 3 governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is not consensus to the metropolitan policy committee for review under EC 9.7740 and EC 9.7745.

*(Section 9.7750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **Annexation Application Procedures and Criteria**

**9.7800** **Annexation – Purpose.** The provisions of EC 9.7800 – 9.7835 are intended to implement state law, the Statewide Planning Goals and the Metro Plan by providing procedures for the review of proposals to annex land to the city and the subsequent withdrawal of such land from public service districts.

*(Section 9.7800 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.7805** **Annexation – Applicability.**

- (1) The provisions of EC 9.7800 - 9.7835 apply to annexation applications for which there is owner and elector consent as described in EC 9.7810. Other annexation proposals permitted by state law, including annexations to abate a health hazard pursuant to ORS Chapter 222, shall be processed as provided in state law.
- (2) For purposes of EC 9.7800 through 9.7835:
  - (a) An “owner” is a legal owner of record or, where there is a recorded land sale contract which is in force, a purchaser under the land sale contract.
  - (b) An “elector” is an individual qualified to vote under section 2, Article II, of the Oregon Constitution.

*(Section 9.7805 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.7810** **Annexation – Application Requirements.** An application for annexation under the provisions of EC 9.7800 – 9.7835 may be initiated by motion of the city council or by the filing of an application for an annexation. In addition to the provisions in EC 9.7010 Application Filing, an application for annexation shall include the following:

- (1) A list of all owners, including partial owners, of land in the area proposed for annexation, indicating for each owner:
  - (a) The affected tax lot(s), with the township, section and range numbers of the affected tax lots identified;
  - (b) The street address(es) of the affected land as recorded on county assessment and tax rolls;
  - (c) The electors residing on the land, if any.
- (2) Consent to Annex forms that are completed and signed by:
  - (a) All of the owners of land in the area proposed for annexation; and
  - (b) Not less than fifty percent of the electors, if any, residing on the land proposed for annexation.
- (3) Instead of the Consent to Annex forms as described in subsection (2) above, an application may include Consent to Annex forms that are completed and signed in accordance with state law, by:
  - (a) More than fifty percent of the owners of the land in the area proposed for annexation, who also own more than fifty percent of the land in the area proposed for annexation and of real property therein representing more than fifty percent of the assessed value of all the real property in the area proposed for annexation; or
  - (b) More than fifty percent of the electors registered in the area that is proposed for annexation and the owners of more than fifty percent of the

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land in that area proposed for annexation.

- (4) In lieu of a Consent to Annex form described in sections (2) or (3) above, an owner's consent may be indicated on a previously executed, and still valid, annexation agreement consenting to the annexation of the subject land.
- (5) Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.
- (6) A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department.
- (7) A legal description of the land proposed for annexation prepared by a registered land surveyor consistent with ORS 308.225.
- (8) A county assessor's cadastral map of the land proposed for annexation.
- (9) A list of the public service districts presently providing services to the land proposed for annexation (See EC 9.7835).
- (10) A written narrative addressing the proposal's consistency with the approval criteria set out at EC 9.7825.

*(Section 9.7810 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.7815**     **Annexation – City Modification of Application.** At any time prior to council action, and with notice consistent with EC 9.7820, the city may modify an application to include contiguous road right-of-way or to include other contiguous public land. For annexation applications in the River Road/Santa Clara area, the city shall not modify an annexation application to include road right-of-way if, by doing so, annexation would cause unincorporated property to be surrounded as described in ORS 222.750.

*(Section 9.7815 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.7820**     **Annexation – Procedures.**

- (1) For an application submitted pursuant to EC 9.7810(2):
  - (a) No public hearing is required.
  - (b) The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied. In addition, the planning director may recommend that the council defer action on the matter until after the council holds a public hearing.
  - (c) At least 30 days prior to the date the council considers the planning director's recommendation, notice of the application that contains the street address or other easily understood geographical reference to the property, the planning director's recommendation, and the date and time the council will consider the recommendation shall be mailed to:
    1. The applicant;
    2. Owners and occupants of properties located within 500 feet of the perimeter of the subject property; and
    3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property.
  - (d) The city council may:
    1. Adopt a resolution approving, modifying and approving, or denying the application for annexation; or

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2. Vote to defer action on such a resolution until after it holds a public hearing on the proposed annexation.
- (e) When the city council elects to hold a public hearing, the procedures that apply are those in (2)(d) below.
- (2) For an application submitted pursuant to EC 9.7810(3), or an application described in EC 9.7820(1)(d)2, above:
  - (a) A public hearing is required.
  - (b) The city council shall set a date, time and place for it to conduct a hearing to consider the application.
  - (c) The planning director shall forward to the city council a written recommendation based on the approval criteria in EC 9.7825 that the application be approved, modified and approved, or denied.
  - (d) Notice of the public hearing shall be:
    1. Mailed at least 30 days prior to the public hearing to those listed in subsection (1)(c) above;
    2. Published in a local newspaper with general circulation once each week for two successive weeks prior to the hearing date; and
    3. Posted in four public places in the city for two successive weeks prior to the hearing date. One of the postings shall be located on the application site and two more posted at the nearest intersections of arterials and/or collectors within the boundaries of the affected neighborhood organization(s).
  - (e) The city council may adopt a resolution approving, modifying and approving, or denying the application for annexation.
- (3) Land annexed to the city according to the procedures in EC 9.7800 – 9.7835 shall be automatically rezoned as of the effective date of the annexation from Lane County land zones and zoning overlays to equivalent Eugene zones and overlay zones as shown in Table 9.7820 Equivalent Zones and Overlay Zones.

<b>Table 9.7820 Equivalent Zones and Overlay Zones</b>			
<b>Urbanizable Land Zones</b>		<b>Eugene Zones</b>	
AG/UL	Agricultural	AG	Agricultural
PL/UL	Public Land	PL	Public Land
R-1/UL	Low-Density Residential	R-1	Low Density Residential
R-2/UL	Medium-Density Residential	R-2	Medium Density Residential
GO/UL	General Office	GO	General Office
C-1/UL	Neighborhood Commercial	C-1	Neighborhood Commercial
C-2/UL	Community Commercial	C-2	Community Commercial
I-2/UL	Light-Medium Industrial	I-2	Light-Medium Industrial
I-3/UL	Heavy Industrial	I-3	Heavy Industrial
Urbanizable Land Zoning Overlay		Eugene Overlay Zones	
/SR	Site Review	/SR	Site Review
/CAS	Commercial Airport Safety	/CAS	Commercial Airport Safety
/WR	Water Resources Conservation Overlay Zone	/WR	Water Resources Conservation Overlay Zone

For purposes of this section, land that is also within an area identified as a Nodal Development Area on the Metro Plan Diagram shall be automatically included in the Eugene /ND Nodal Development Overlay Zone. A parcel that

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was identified on Exhibit C to Ordinance No. 20430 as one to which the /WQ Water Quality Overlay Zone should be applied upon annexation, or any portion of such a parcel that contains a /WQ Management Area, will also automatically be changed to include the /WQ Overlay Zone. The official city zoning map shall be amended to reflect the change of zone.

- (4) The city will not deem an application complete for a change in the zoning of land proposed for annexation until the annexation has been approved by the city.
- (5) Withdrawals of annexed land from a public service district serving the land shall be processed as provided in EC 9.7835.

*(Section 9.7820 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008; administratively amended June 30, 2008; amended by Ordinance No. 20411, enacted June 9, 2008, effective July 11, 2008; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.7825 Annexation – Approval Criteria.** The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

- (1) The land proposed to be annexed is within the city's urban growth boundary and is:
  - (a) Contiguous to the city limits; or
  - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.
- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

*(Section 9.7825 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.7830 Annexation – Effective Date and Notice of Approved Annexation.**

- (1) **Effective Date.** The effective date of an approved annexation shall be set in accordance with state law.
- (2) **Notice of Approved Annexation.**
  - (a) Not later than 10 working days after the passage of a resolution approving an annexation, the city shall:
    1. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the city. The notice shall include:
      - a. Each site address to be annexed as recorded on county assessment and tax rolls;
      - b. A legal description and map of the proposed boundary change; and
      - c. A copy of the resolution approving the annexation.
    2. Mail a notice of the annexation to the Secretary of State that includes a copy of the resolution approving the annexation and a copy of the statement(s) of consent.
  - (b) Within 20 days from the passage of a resolution approving an annexation,

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the city shall mail a notice of the annexation to the county clerk, county assessor, and owners and electors in the annexed area. The notice shall include a legal description of the new city boundaries.

- (c) If the effective date of an annexation is more than one year after the city passes the resolution approving it, the city shall mail a notice of the annexation to the Lane County clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

*(Section 9.7830 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

### **9.7835 Annexation – Withdrawal from Public Service Districts Following Annexation.**

- (1) Council Public Hearing on Withdrawal.** Generally on an annual basis, the city council shall set a date, time and place for it to conduct a hearing to consider an ordinance to withdraw annexed land from the following public service districts serving that land:
  - (a) A rural fire protection district;
  - (b) A water district, including a domestic water supply corporation;
  - (c) A park and recreation district;
  - (d) A highway lighting district;
  - (e) A county service district;
  - (f) A special road district;
  - (g) A road assessment district; or
  - (h) A sanitary district or authority.
- (2) Notice of Public Hearing.** Notice of the hearing, including the date, time, place and purpose of the hearing shall be:
  - (a) Published in a local newspaper with general circulation once each week for two successive weeks prior to the hearing date;
  - (b) Posted in four public places in the city for two successive weeks prior to the hearing date; and
  - (c) Mailed to the affected public service districts.
- (3) Criteria.** In determining whether to withdraw the land, the city council shall determine whether the withdrawal is in the best interest of the city.
- (4) Effective Date.** The effective date of the withdrawal shall be set in accordance with state law.
- (5) Notice of Withdrawal.** Not later than March 31 of the tax assessment year to which the withdrawal of land applies, the city shall mail notice to the County Assessor and Department of Revenue including the legal description of the boundary change and an accurate map showing the change, prepared consistent with ORS 308.225.

*(Section 9.7835 repealed and replaced by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

## Application Requirements and Criteria

### General

**9.8000** **Introduction.** Sections 9.8000 through 9.8865 of this land use code establish comprehensive requirements and approval criteria for each land use application. These provisions serve as the basis for evaluating whether a specific land use application fulfills the particular application requirements and approval criteria. *(Section 9.8000, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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 9.3915, 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 9.7885, 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.
- (2) If an initial proposal also requires an application be submitted for one or more of the following:
  - (a) Adjustment review;
  - (b) Site review;
  - (c) Conditional use permit;
  - (d) Planned unit development;
  - (e) Zone change;
  - (e) Willamette Greenway permit; or
  - (f) Standards review,the applicant may elect to have the applications reviewed concurrently according to the highest application type. All other provisions of this code would continue to apply to each application, including, but not limited to, the approval criteria.
- (3) If the city's final decision for any land use application reviewed and approved in accordance with the provisions of this land use code includes a finding of compliance with specific land use development standards, those standards shall not be considered at the time of a development permit application.

*(Section 9.8005, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.8007** **Notice.** Where EC 9.7100-9.7685, or administrative rules referenced in those code sections, require an applicant to mail, post or publish notice, the city shall not approve the subject application(s) if the applicant has not submitted a signed affidavit of notice affirming that the applicant has provided notice as required.

*(Section 9.8007 added by Ordinance 20433, enacted June 8, 2009, effective July 10, 2009.)*

**9.8010** **List of Adopted Plans.** The documents listed in the following Table 9.8010, including any adopted amendments, are the currently effective adopted plans that may be applicable to a particular land use application. The plans and adopted

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policies are more particularly set forth beginning at EC 9.9500, and the boundaries for each are depicted on Map 9.8010 Adopted Plans.

<b>Table 9.8010 List of Adopted Plans</b>	
Bethel-Danebo Refinement Plan (Phase II)	River Road-Santa Clara Urban Facilities Plan
Bethel-Danebo Refinement Plan	Riverfront Park Study
Comprehensive Stormwater Management Plan	South Hills Study
Downtown Riverfront Specific Area Plan	South Willamette Subarea Study
Eugene Commercial Lands Study	TransPlan (Metro Area Transportation Plan)
Eugene Downtown Plan	Walnut Station Specific Area Plan
Eugene-Springfield Metropolitan Area General Plan (Metro Plan)	West University Refinement Plan
Fairmount/U of O Special Area Study	Westside Neighborhood Plan
Jefferson/Far West Refinement Plan	Whiteaker Plan
Laurel Hill Neighborhood Plan	Willakenzie Area Plan
19 <sup>th</sup> and Agate Special Area Study	Willow Creek Special Area Study

*(Section 9.8010, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20362, enacted February 13, 2006, effective March 17, 2006; Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*



## 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.

*(Section 9.8015, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8020** **Adjustment Review - Applicability.** Adjustment review is available only where this land use code provides that a specific standard may be adjusted. Applications for adjustments review to standards in this land use code shall be considered under a Type II application process, unless the applicant requests that the adjustment review be considered concurrently with a related Type III application. Appeals of “minor” adjustment review decisions shall be considered by the Hearings Official using the process at EC 9.7650 - 9.7685. Appeals of “major” adjustment review decisions shall be considered by the Planning Commission using the process at EC 9.7600 - 9.7635.

*(Section 9.8020, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8025** **Adjustment Review - General Requirements.**

- (1) Except as provided in subsections (2) and (3), the adjustment review application shall be prepared by one or more of the following professionals unless waived by the planning director:
  - (a) Oregon licensed architect.
  - (b) Oregon licensed civil engineer.
  - (c) Oregon licensed landscape architect.
  - (d) Oregon licensed land surveyor.
- (2) An application for adjustment review under EC 9.8030(21) shall comply with the following:
  - (a) Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:
    1. Oregon licensed architect.
    2. Oregon licensed civil engineer.
    3. Oregon licensed landscape architect.
    4. A professionally trained botanist or biologist, with sufficient training and experience in planning and design to evaluate consistency of the application with all applicable standards.
  - (b) Unless waived by the planning director, if the application is not prepared by a professionally trained botanist or biologist, one or more of the professionals preparing the application shall have sufficient professional expertise and training in field botany or related biological sciences to evaluate consistency of the application with application standards.
  - (c) The application shall include a site plan that shows sufficient detail and supporting information to demonstrate compliance with applicable standards. Unless waived by the planning director, the site plan shall be prepared by an Oregon licensed civil engineer or an Oregon licensed surveyor.
  - (d) The site plan and application shall be signed by each of the professionals preparing the application, certifying that the application is

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true and correct to the best of his or her professional ability, and that, if applicable, the professional standards of his or her profession have been met therein.

- (3) Unless waived by the planning director:**
- (a) An application for adjustment review under EC 9.8030(25)(a) and (b) shall be prepared by one or more of the following professionals:
    - 1. Oregon licensed architect;
    - 2. Oregon licensed civil engineer;
    - 3. Oregon licensed landscape architect; or
    - 4. Oregon licensed land surveyor.
  - (b) An application for adjustment review under EC 9.8030(25)(c) shall be prepared by one or more of the following professionals:
    - 1. Oregon licensed architect;
    - 2. Oregon licensed civil or geotechnical engineer;
    - 3. Oregon licensed landscape architect;
    - 4. Oregon licensed geologist;
    - 5. A professionally trained botanist, biologist, ecologist or geomorphologist; or
    - 6. A creek restoration specialist with a bachelor's degree in the subject field and at least 5 years of applied experience in botany, biology, ecology, geomorphology or a closely related field.

*(Section 9.8025, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)*

**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.

- (1) Lot Standards Adjustment.** Where this land use code provides that the lot standards may be adjusted, the standards may be adjusted upon finding that the proposed lot dimensions are consistent with the purpose of the applicable zone and suitable for the area.
- (2) Setback Standards Adjustment.** Where this land use code provides that the setback standards applicable to specific zones may be adjusted, the standards may be adjusted upon finding that the proposed setback is consistent with the following applicable criteria:
  - (a) **Minimum and Maximum Front Yard Setback Adjustment.** The minimum or maximum required front yard setback may be adjusted if the proposal achieves all of the following:
    - 1. Contributes to the continuity of building facades along the street.
    - 2. Creates an attractive pedestrian environment along all adjacent streets
    - 3. Is compatible with adjacent development.Maximum front yard setbacks may be adjusted without any requirement for pedestrian amenities if the location of the front yard is unsafe or intrinsically unsuitable for pedestrians or to protect disruption to significant natural resources.
  - (b) **Minimum Setbacks for Park Improvements in PRO Zone.** The minimum required special setbacks for park improvements may be adjusted upon

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- a finding that the proposal achieves all of the following:
1. Consistent with EC 9.2600 Purpose of PRO Park, Recreation and Open Space Zone.
  2. Is compatible with adjacent development.
- (c) Minimum Setbacks for Drive-Through Facility Service Areas and Stacking Lanes. Standards establishing a minimum setback for service areas and stacking lanes may be adjusted upon a finding that the proposal achieves all of the following:
1. Is compatible with adjacent development.
  2. Creates an attractive pedestrian environment along all adjacent streets.
  3. Where necessary, provides visual separation between adjacent development.
- (d) Outdoor Merchandise Display in C-2. The limitation on outdoor merchandise display in EC 9.2170(8)(b)2. may be adjusted upon a finding that the proposed adjustment is consistent with the intent set out in EC 9.2170(1).
- (3) Landscape Standards Adjustment.** Where this land use code provides that the landscape standards may be adjusted, the standards may be adjusted upon finding that the proposed landscape is consistent with the following applicable criteria:
- (a) General Landscape Standards. Standards establishing a minimum percent of landscape area on the development site, may be adjusted upon a finding that the proposal achieves all of the following:
1. Where necessary, provides visual separation between adjacent development.
  2. Provides clearly defined entries and pedestrian pathways.
  3. Enhances and softens structural elements.
  4. Breaks up large expanses of parking.
  5. Protects and enhances the value of adjacent or on-site natural areas.
  6. In the case of multiple-family developments, buffers dwellings from views that are unattractive and creates areas for outdoor privacy for residents.
- (b) Basic Landscape Standard (L-1). The standards of EC 9.6210(1) may be adjusted if the proposal enhances a development site by providing attractive, open landscaped areas where distance is the primary means of separating different uses or developments.
- (c) Low Screen Landscape Standard (L-2). The standards of EC 9.6210(2) may be adjusted if the proposal achieves at least one of the following:
1. A landscape treatment that uses a combination of distance and low-level screening (minimum 30 inches, maximum of 42 inches) to separate uses or development and the screening is adequate to soften the impact of the use or development.
  2. In those instances where visibility between areas is more important than a total visual screen, the alternative landscape treatment is appropriate for the site.
- (d) High Screen Landscape Standard (L-3). The standards of EC 9.6210(3) may be adjusted if the proposal uses landscape screening to provide a physical and visual separation between uses or development.

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- (e) High Wall Landscape Standard (L-4). The standards of EC 9.6210(4) may be adjusted if the proposal continues to provide extensive screening of both visual and noise impacts to protect adjacent users.
  - (f) Partial Screen Fence Landscape Standard (L-5). The standards of EC 9.6210(5) may be adjusted where the proposal achieves at least one of the following:
    - 1. A moderate level of screening, adequate to soften the impact of the use or development.
    - 2. In those instances where visibility between areas is more important than a total visual screen, the alternate landscape treatment is appropriate for the site.
  - (g) Full Screen Fence Landscape Standard (L-6). The standards of EC 9.6210(6) may be adjusted if both of the following are achieved:
    - 1. The proposal provides a tall, complete visual separation to protect abutting uses.
    - 2. Living plant landscaping is not practical for the site.
  - (h) Massed Landscape Standard (L-7). Adjustments may be made to the standards of EC 9.6210(7) if the proposal provides a landscape treatment appropriate for interior yards of large development sites adjacent to arterial and collector streets or to non-residential uses adjacent to residential development as the case may be.
- (4) Building Orientation and Entrance Standards Adjustment.** Where this land use code provides that building orientation and entrance standards may be adjusted, the standards may be adjusted upon finding that the proposal complies with one of the following:
- (a) Promotes compatibility with adjacent property.
  - (b) Creates building orientations and entrances that achieve all of the following:
    - 1. Support and augment the building setback, massing and architectural details.
    - 2. Achieve an attractive streetscape with a strong building presence on existing and future streets.
    - 3. In the case of multiple-family developments, provides socialization benefits to residents.
- (5) Underground Utilities Standard Adjustment.** Where this land use code provides that the underground utility standard may be adjusted, the standards may be adjusted upon finding that one or more of the following exist:
- (a) Underground utility placement would be unreasonably onerous to the applicant.
  - (b) Underground utility placement would be disruptive to significant natural resources.
- (6) Large Commercial Facilities Standards Adjustment.** Where this land use code provides that the large commercial facilities standards may be adjusted, the standards may be adjusted upon finding that the design contributes to one or more of the following:
- (a) Improving the appearance and function of large commercial facilities.
  - (b) Encouraging efficient use of land resources and urban services.
  - (c) Encouraging mixed use.
  - (d) Supporting transportation options.
  - (e) Promoting detailed, human-scale site and building design.

- (7) **Large Multi-tenant Commercial Facilities Standards Adjustment.** Where this land use code provides that the large multi-tenant commercial facilities standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:
- (a) Provides for pedestrian safety, comfort and convenience.
  - (b) Produces visual clarity of circulation paths and building entrances for the pedestrian.
- (8) **Multiple-Family Standards Adjustment.** Where this land use code provides that the multiple-family standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:
- (a) Maximum Building Dimension. The requirements set forth in EC 9.5500(6)(a) may be adjusted if the proposal creates building massing and/or facades that:
    1. Create a vibrant street facade with visual detail.
    2. Provide multiple entrances to building or yards.
  - (b) Building Articulation. The requirements set forth in EC 9.5500(7) 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.
  - (c) Open Space. The requirements set forth in EC 9.5500(9), except for the amount of open space required per Table 9.5500(9) Open Space Requirements, may be adjusted if the applicant demonstrates consistency with all of the following:
    1. 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 public and private 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 site design that promotes safety, security and privacy, and reduces visual, noise, and lighting impacts of development on adjacent properties.
    2. When abutting property is zoned R-1 Low-Density Residential, the design provides an appropriate combination of setbacks, landscaping and screening to buffer between the multiple family development and the adjacent Low-Density Residential zone.
  - (d) Block Requirement. The requirements set forth in EC 9.5500(10) may be adjusted if the proposal achieves at least one of the following:
    1. Provides an equivalent or greater degree of vehicular and pedestrian circulation.
    2. Traditional block patterns that reduce the apparent scale of large developments by breaking the site up into smaller land units.  
(See also EC 9.6810 Block Length.)
  - (e) Site Access and Internal Circulation. The requirements set forth in EC 9.5500(11) may be adjusted in accordance with the criteria in this subsection. In the case of an adjustment, all of the following standards

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apply:

1. Sidewalks may be designed as curbside walks only along those portions of the private streets providing parallel on-street parking.
  2. Street trees may be placed in tree wells or adjacent to the sidewalk.
- (f) Vehicle Parking. The requirements set forth in EC 9.5500(12) may be adjusted if the proposal achieves to the same degree as would strict compliance with the standards all of the following:
1. Limitations on the use of continuous parking drives in large-scale multiple-family developments.
  2. Limitations on the size of individual parking lots in multiple-family development.
  3. Minimal negative aspects of parking uses in multiple-family developments.

Where cost considerations preclude parking beneath or within residential buildings, combinations of partial and interrupted parking drives; on-street parking; and small, dispersed parking courts are an acceptable alternative.

- (9) **Bicycle Parking Standards Adjustment.** Where this land use code provides that the bicycle parking standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:

- (a) Consistency with EC 9.6100 Purpose of Bicycle Parking Standards; and
- (b) Shared bicycle parking remains convenient and clearly visible for users.

In cases where the standard for required bicycle parking for a development site would require in excess of over 1,500 bicycle spaces, the applicant may also seek an adjustment by submitting for city review a Bicycle Management Program. The Bicycle Management Program shall address how the applicant will encourage bicycle use and the rationale for requesting an adjustment. City approval of the Bicycle Management Program shall constitute the granting of an adjustment.

- (10) **Motor Vehicle Parking and Loading Standards Adjustment.** Where this land use code provides that the motor vehicle parking standards may be adjusted, the standards may be adjusted upon finding the applicable corresponding criteria are met.

- (a) Number of Required Off-Street Parking Spaces. Adjustments may be made to the required number of off-street parking space provisions of EC 9.6410 based on the following criteria:
  1. The minimum required off-street parking spaces may be reduced by up to 50 percent when the applicant for a development can demonstrate, in a parking-traffic study prepared by a traffic engineer, that both of the following conditions exist:
    - a. The use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
    - b. A proposed Transportation Demand Management (TDM) Program has been approved by the city that contains

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strategies for reducing vehicle use and parking demand generated by the development and establishes benchmarks by which the program's effectiveness will be measured annually. The city may waive the preparation of a TDM plan if the requirement set forth in EC 9.8030(10(a)1.a. can otherwise be satisfied.

2. In the case of an existing use proposing to provide a transit stop and related amenities such as a public plaza, pedestrian sitting areas, transit-supportive development, and additional landscaping, the number of required off-street parking spaces may be reduced by up to 10 percent.
  3. Except within a /TD overlay zone, an adjustment that approves installation up to 150 percent of the minimum spaces required by EC 9.6410(3) Minimum Number of Required Off-Street Parking Spaces may be allowed, if all of the following are met:
    - a. Additional parking is necessary to meet the parking demand for a specific use.
    - b. Shared use of parking is not available or adequate to meet the demand.
    - c. At least 60 percent of the parking lot is allocated and striped for compact cars.
    - d. An employee-based Transportation Demand Management Program has been approved by the city, and annual reports thereon are subsequently provided to the city.
- (b) Loading and Drive - Through Design Standards. Adjustments may be made to the standards of EC 9.6415 based on the following.
1. The minimum depth required in EC 9.6415(1) for a specially designed area may be adjusted upon a determination that a lesser minimum is adequate to prevent the extension of the line-up of automobiles into the public right-of-way.
  2. An adjustment may be granted to the loading and service drive off-street maneuvering space requirement of EC 9.6415(3) for property located on a local street where existing or projected traffic volumes do not exceed daily traffic counts of 750 vehicles.
- (c) Parking Area Standards. Adjustments may be made to the landscape standards of EC 9.6420(3) upon finding that the proposed landscape is consistent with the following applicable criteria:
1. Provides visual separation, as needed, between adjacent development.
  2. Provides clearly defined parking area entrances and on-site pedestrian circulation.
  3. Enhances and softens the appearance of parking structures.
  4. Breaks up large expanses of parking.
  5. Protects or mitigates the loss of significant trees or other natural features on or adjacent to the development.
- (d) Shared Off-Street Parking. The shared off-street parking space requirements of EC 9.6430 may be adjusted as follows:
1. Joint Use at Different Times. The joint use of required facilities at different times may be allowed provided all of the following exist:
    - a. The applicant shows there will be no substantial conflict in

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the principal operating hours of the buildings or uses for which the joint parking use is proposed.

- b. The parking facility will be within 1/4 mile or 1,320 feet of buildings or uses it will serve.
- c. The parties involved in the joint parking facility agree to the joint use arrangement in a legal document approved by the city attorney.
- d. The legal document is recorded in the office of the Lane County recorder and a copy filed with the city's Building and Permit Services Division.

2. Joint Use Simultaneously. The simultaneous joint use of required facilities may be allowed provided all of the following exist:
  - a. No more than 2 uses under separate ownership or occupancy shall be involved.
  - b. The uses will occur on the same development site.
  - c. It can be reasonably anticipated that a number of customers or clients will be served by both uses while on the development site.

The determination of the number of required off-street parking spaces under 1. or 2. of this subsection shall be based on a review of Table 9.6410 Required Off-Street Motor Vehicle Parking, operating characteristics and the conditions noted above.

- (e) Special Event Permanent Parking Facilities. The standards of EC 9.6435 for permanent parking facilities for special events may be adjusted provided the proposal results in the development of attractive, safe, and efficient special event parking areas.

- (11) **Vision Clearance Area - Approval Criteria for Adjustment Review.** The vision clearance standards of EC 9.6780 may be adjusted if it is determined that no feasible alternative to the intersection to address vision clearance is available, and any of the following conditions exist:
  - (a) Traffic can safely approach and enter the intersection or street given existing traffic control devices or other physical conditions of the area.
  - (b) Topographic conditions are so extreme or structures exist such that it is not practical to provide required vision clearance.
  - (c) Additional traffic control structures or facilities may be required to provide for adequate public safety.
- (12) **Intersections of Streets and Alleys Standards Adjustment.** The minimum offset intersection requirements set forth in EC 9.6830 may be adjusted if the proposed adjustment is necessary and is designed so that no offset dangerous to the traveling public is created as a result of staggering of intersections. An offset necessary to assure safety and efficiency based on traffic engineering principles shall be required. Upon submittal by a traffic engineer and approval by the city of a study that demonstrates the safety and efficiency of an intersection offset of a lesser distance, the minimum intersection offsets of 100 feet on a local street, 200 feet on a collector street, and 400 feet on an arterial street may be adjusted. Offsets shall be measured from the center lines of the two intersecting streets.
- (13) **Tree Preservation and Removal Standards Adjustment.** Except as otherwise provided in EC 9.6885(3) Adjustments to Standards, the tree preservation and removal standards of EC 9.6885(2) may be adjusted, and



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the number of trees required to be preserved may be reduced based on compliance with all of the following criteria of (a), (b), (c), and (d), and one of the conditions of (e) exists:

- (a) The proposed adjustment to the tree preservation and removal standards is the minimum necessary to implement the development proposal.
  - (b) The proposal includes an approved replanting or restoration program or plan that mitigates the loss of trees or impacts to other natural features.
  - (c) The proposal is otherwise in compliance with all applicable standards.
  - (d) Alternative proposals have been evaluated, and there is no feasible alternative.
  - (e) One of the following conditions exists:
    1. Compliance with tree preservation and removal standards is not feasible, or would result in degradation of steep slopes, significant wildlife habitat, or water bodies due to the topography or other natural features of the development site; or
    2. An adjustment to the tree preservation and removal standards is necessary in order to achieve the minimum residential density under this land use code; or
    3. The existing trees required to meet the minimum preservation standard are unlikely to survive the level and type of anticipated development due to susceptibility to windthrow or other natural causes of failure.
- (14) Overlay Zone Development Standards Adjustment.** Unless a subsection of EC 9.8030 sets out adjustment review criteria for a specific overlay zone, where this land use code provides that overlay zone standards may be adjusted, the standards may be adjusted upon a finding that the adjustment of the standards will result in a development that is consistent with the purpose of the overlay.
- (15) S-H Historic Zone Standards Adjustment.** In addition to the allowed adjustments to standards provided elsewhere in this land use code, any standard applicable to an S-H Historic Zone may be adjusted upon finding that the proposal is consistent with the purpose of the applicable zone and is suitable for the area.
- (16) Downtown Plan Area.** Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
    2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.

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3. Within the S-DR zone, alternatives proposed pursuant to EC 9.3150(3), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3) shall demonstrate compliance with “urban design” plan policies in the Downtown Riverfront Specific Area Plan; alternatives proposed pursuant to EC 9.3160(7) and EC 9.3165(1) shall demonstrate compliance with “infrastructure” plan policies in the Downtown Riverfront Specific Area Plan; and, uses proposed pursuant to EC 9.3147(7) and alternatives proposed pursuant to EC 9.3185(4) shall demonstrate compliance with “open space” plan policies in the Downtown Riverfront Specific Area Plan.
  - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
  - (c) For adjustments pursuant to EC 9.2170(10) only, placing utilities underground would be unreasonably onerous to the applicant.
- (17) S-RN Royal Node Special Area Zone Standards Adjustment.** A standard applicable within the S-RN Royal Node Subarea LDR, MDR, RMU, CMU or MSC may be adjusted upon a finding that the proposed adjustment:
  - (a) Is consistent with the purposes of the S-RN Royal Node Special Area Zone as set forth at EC 9.3800; and
  - (b) Meets the applicable adjustment criteria in another subsection of EC 9.8030, if any.If there is no EC 9.8030 subsection that pertains to the type of standard being considered, adjustment may be permitted based solely on compliance with EC 9.8030(17)(a).
- (18) S-CN Chase Node Special Area Zone Standards Adjustment.** A standard applicable within the S-CN Chase Node Special Area Zone Subarea C, HDR/MU or HDR may be adjusted upon a finding that the proposed adjustment:
  - (a) Is consistent with the purposes of the S-CN Chase Node Special Area Zone as set forth at EC 9.3100; and
  - (b) Meets the applicable adjustment criteria in another subsection of EC 9.8030, if any.If there is no EC 9.8030 subsection that pertains to the type of standard being considered, adjustment may be permitted based solely on compliance with EC 9.8030(18)(a).
- (19) Improvements, Streets and Alleys.**
  - (a) The requirement in EC 9.6505(3)(b) that all paving improvements to streets and alleys adjacent to the development include drainage, curbs and gutters, sidewalks, street trees and street lights may be adjusted to allow the site developer to improve the streets and alleys adjacent to the development site with a temporary surface, designed and constructed in accordance with the City’s adopted temporary surface permit procedures. A temporary surface may be allowed when the site developer can demonstrate that a temporary surface is adequate to serve the development site and that a temporary surface will not impede the public’s use of the right-of-way.
  - (b) The paving requirement at EC 9.6505(3)(b) may be adjusted if the site developer has shown that a street or alley adjacent to the development will not be impacted by the development.

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- (20) Public Accessways.** The public accessway standards of 9.6835(1) may be adjusted if the developer has shown that pedestrian and bicyclists traveling to and from nearby residential areas, transit stops, neighborhood activity centers, and other commercial and employment and industrial areas are already being provided safe, convenient and direct access. "Nearby" means within 1/4 mile that can reasonably be expected to be used by pedestrians, and within 2 miles that can reasonably be expected to be used by bicyclists.
- (21) /WR Water Resources Conservation Overlay Zone Adjustment.** Where this land use code provides that a provision of the /WR Water Resources Conservation Overlay Zone may be adjusted, approval may be given only upon a finding that the proposed adjustment meets criterion (a), (b), (c) or (d) below:
- (a) For any property containing a /WR conservation area due to a resource identified as a wetland, upland wildlife habitat or riparian site in the Goal 5 Water Resources Conservation Plan, an adjustment to the provisions of EC 9.4920 may be made if no previous adjustment under this section has been approved for the specific portion of the conservation area and all of the following are met:
1. More than 33 percent of the development site is occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback;
  2. The proposed reduction in the /WR conservation area will result in the combined area described above constituting at least 33 percent of the development site;
  3. The parcel is not already developed with a building suitable for occupancy;
  4. The area of the subject parcel is 10,000 square feet or less;
  5. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10);
  6. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
  7. The portion of the development site that remains in a /WR conservation setback area complies with EC 9.4980(1) through (5);
  8. The reduction occurs first by reducing the area of any portion of the resource site that extends landward beyond the conservation setback. If additional reduction in the /WR conservation area is needed to reduce the combined area to 33% of the development site area, the conservation setback area described in EC 9.4920(1)(b) may be reduced the minimum necessary to meet the standard in subsection 2.; and
  9. The proposed adjustment is consistent with EC 9.8030(21)(e).
- (b) For property containing a /WR conservation area due to a resource identified in the Goal 5 Water Resources Conservation Plan as a Category A, B or C stream or as a Category A wetland, an adjustment to the provisions of EC 9.4920 may be made if no previous adjustment under this section has been approved for the specific portion of the conservation area and all of the following are met:

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1. The proposed reduction in the conservation setback distance is no more than 20%;
  2. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10);
  3. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
  4. The remaining /WR conservation setback area complies with EC 9.4980(1) through (5);
  5. For Category A wetland sites, reduction in the width of the /WR conservation area shall occur first in areas where the adjacent wetland is of lower quality or is more disturbed by human activities and expansion of the width of the /WR conservation area shall occur first in areas where the adjacent wetland is of higher quality or is less disturbed by human activities;
  6. For riparian or upland wildlife habitat sites where a reduction in the width of the /WR conservation area is allowed, the conservation setback area may be reduced, to the extent practicable, according to the following priority order:
    - a. Where the reduction area does not include a mapped Goal 5 resource site designated for protection in the Goal 5 Water Resources Conservation Plan,
    - b. Where the adjacent habitat quality is lower; and
  7. The proposed adjustment is consistent with EC 9.8030(21)(e).
- (c) For property containing a /WR conservation area due to a resource identified in the Goal 5 Water Resources Conservation Plan as a Category A or B stream or as a Category A wetland, an adjustment to the provisions of EC 9.4920 may be made if no previous adjustment under this section has been approved for the specific portion of the conservation area and all of the following are met:
1. Conservation setback averaging is employed to maintain the same total area within the /WR conservation area within the development site that would have existed without the reduction in the conservation setback distance. Conservation setback averaging shall be accomplished by expanding the /WR conservation area in an undeveloped area of the development site in compensation for reducing it in another area of the site, such that the total area of the /WR conservation area on the development site remains constant;
  2. The conservation setback distance may be reduced in one or more locations by up to 30%.
  3. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10);
  4. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
  5. The portion of the development site remaining in the /WR conservation area complies with EC 9.4980(2) through (5);
  6. For Category A wetland sites, reduction in the width of the /WR conservation area shall occur first in areas where the adjacent

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- wetland is of lower quality or is more disturbed by human activities and expansion of the width of the /WR conservation area shall occur first in areas where the adjacent wetland is of higher quality or is less disturbed by human activities;
7. For Category A or B streams, reduction in the width of the conservation setback area shall occur to the extent practicable, according to the following priority order:
    - a. Where the reduction area does not include an adjacent Goal 5 resource site designated for protection in the Goal 5 Water Resources Conservation Plan,
    - b. Where the adjacent habitat quality is lower,
    - c. Where the setback area can be expanded in compensation on the opposite bank of the stream from the reduction area if it is within the same development site. If the development site does not include the opposite bank for the stream, the expansion of the conservation setback shall occur elsewhere on the development site; and
  8. The proposed adjustment is consistent with EC 9.8030(21)(e).
- (d) For property containing a /WR conservation area due to a resource identified in the Goal 5 Water Resources Conservation Plan as a wetland, upland wildlife habitat or riparian site, an adjustment to the provisions of EC 9.4930 and EC 9.4980 may be approved if all of the following are met:
1. The applicant has shown that:
    - a. The parcel is not already developed with a building suitable for occupancy;
    - b. The strict application of the provisions of EC 9.4930 and 9.4980 would prohibit construction of a building suitable for occupancy on any portion of the parcel due to special circumstances that apply to the property, including location, shape, size, surroundings, and topography and the relationship of the characteristics to the resource site or applicable conservation area.
  2. The applicant has demonstrated that the adjustments described under subsections (a), (b) and (c) above would not allow the use or uses specified under 1.;
  3. The adjustment allowed is the minimum necessary to allow the use or uses specified under 1.;
  4. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10) except to the extent that a standard in one of those subsections is the subject of the adjustment application;
  5. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
  6. The portion of the development site that remains in a /WR conservation area complies with EC 9.4980(1) through (5); and
  7. The proposed adjustment is consistent with EC 9.8030(21)(e).
- (e) The applicant demonstrates that restoration or habitat enhancement activities within the remaining conservation area will result in a net increase in overall natural functions and values proportional to the

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requested adjustment, and will specifically result in a net increase in two or more of the following functions and values of the conservation area as applicable to the site:

1. For streams and wetlands within stream channels:
  - a. Effective shade of stream channel during peak solar input;
  - b. Species diversity, structural diversity, density, and percent cover of native riparian vegetation;
  - c. Bank stability due to native riparian plant roots;
  - d. Absence of non-native invasive plant species;
  - e. Effective filtering of overland stormwater flow to the stream;
  - f. Presence of soils and hydrology appropriate to the site and appropriate to support native plants;
  - g. Habitat characteristics required by any state or federally listed threatened or endangered species that have been documented on the site.
2. For wetlands not within stream channels:
  - a. Species diversity, density, and coverage of native vegetation within the wetland and setback area;
  - b. Bank stability due to native plant roots;
  - c. Absence of non-native invasive plant species;
  - d. Effective filtering of overland stormwater flow to the wetland;
  - e. Presence of soils and hydrology appropriate to the site and appropriate to support native plants;
  - f. Habitat characteristics required by any state or federally listed threatened or endangered species that have been documented on the site.

For purposes of this subsection, the demonstration of the increase in functions and values shall be based upon a comparison between the functions and values of the /WR conservation area as it existed on the date of application for an adjustment under this subsection and the functions and values of the proposed reduced /WR conservation area with proposed enhancements and restoration.

- (22) Pedestrian Circulation On-site Adjustment.** Where this land use code provides that on-site pedestrian circulation may be adjusted, the standards may be adjusted upon finding that, considering site constraints or practical difficulties, the proposed design provides adequate pedestrian connections:
- (a) Between building entrances and streets or accesways;
  - (b) Between new and existing buildings on the development site, including recreation and community facilities;
  - (c) From proposed employment and industrial, commercial and institutional uses to adjacent parcels having similar existing or planned uses;
  - (d) To nearby transit stops, parks and other recreation facilities; and
  - (e) Between parking lots and main buildings.
- (23) S-C Chambers Special Area Zone.** The following standards applicable within the S-C Chambers Special Area Zone may be adjusted upon a finding that the adjustment is consistent with the criteria of subparagraphs (a) through (e). In all cases, proposed adjustments to the standard shall be the minimum necessary to implement the development proposal:

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- (a) Residential Building Maximum Front Yard Setback. The maximum front yard setback for residential buildings as established in EC 9.3065(3)(b)1.b.(2) may be adjusted if the proposed setback adjustment is consistent with the overall front yard setback pattern of the neighborhood, particularly with existing dwellings on both sides of the front yard and within the immediate block.
  - (b) Interior Yard Setbacks. An adjustment may be granted to the interior yard setback requirements of EC 9.3065(3)(b)2. if the proposed adjustment is consistent with the purpose of EC 9.3050 and is necessary for development on a constrained site. However, in no case is an interior yard setback allowed that is less than 5 feet from the interior lot line or less than 10 feet from structures on other lots.
  - (c) Building Height. The building height standards of EC 9.3065(3)(c)1.a. for residential buildings within 60 feet of the street may be increased to a height of up to 30 feet if the applicant can demonstrate that the requested adjustment meets all of the following criteria:
    - 1. The proposed dwelling is shown to be compatible with other dwellings in the immediate vicinity, in terms of scale, mass and setbacks.
    - 2. The additional height will not adversely impact the immediate neighbor's privacy, considering backyard privacy, location of second story windows facing adjacent yards and dwellings, etc.
    - 3. Constraints on the property necessitate the adjustment in height, with consideration being given to protecting existing mature trees, lot configuration, and existing structures on site.
  - (d) Roof Pitch. The minimum roof pitch standard of EC 9.3065(3)(d)1. may be adjusted if the proposed adjustment conforms with prevailing neighborhood context of roof pitch and articulated roof massing. The applicant shall submit examples of other roof forms in the immediate vicinity with the adjustment application.
  - (e) Driveway Standards. An adjustment to the driveway width standards of EC 9.3065(3)(f) may be granted if the proposed adjustment is necessary for development on a constrained site taking into consideration unique situations such as existing structures on the lot, joint driveway access, and existing mature landscaping.
- (24) Stormwater Quality, Flow Control, Oil Control and Source Control Standards Adjustment.**
- (a) The requirement in EC 9.6792(3)(e) that selected stormwater quality facilities shall treat all the stormwater runoff that will result from the water quality design storm may be adjusted upon a finding that the stormwater quality facility will treat as much of the runoff as possible and
  - (b) The requirement in EC 9.6792(3)(f) that all stormwater quality facilities be selected from and sited, designed, and constructed according to the stormwater quality provisions and the facility design requirements set forth in the Stormwater Management Manual and that stormwater quality facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual may be adjusted upon finding that all of the following requirements are met:
    - 1. The proposed alternative design will achieve equal, or superior, results for function (reducing pollution), maintainability and safety,

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- and the proposed siting does not adversely affect structures or other properties.
2. The applicant's written description of the proposed alternative design has been reviewed and approved by the City Engineer. The description of the proposed design submitted for review must include all of the following information for each component of the proposed alternative design:
    - a. Size, technical description, capacity, capital cost, design life, construction process and costs, consequences of improper construction, operation and maintenance requirements and costs;
    - b. Data on the effectiveness of proposed alternative technologies, if available, including data from laboratory testing and pilot/full-scale operations, and information regarding the operations of any full-scale installations;
    - c. Any other available information about the proposed design, including peer review articles, scientific or engineering journals, and approvals from other jurisdictions.
  3. The applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design once constructed, and a schedule for its maintenance.
  4. The applicant has submitted a signed statement that the applicant will replace the alternative stormwater quality facility if the facility does not function as proposed.
- (c) The requirement in EC 9.6793(3)(a) and EC 9.6793(3)(b) may be adjusted upon a finding that the flow control facility will control flow rates as much as possible and one of the following applies:
1. The area at issue generating runoff is less than 500 square feet of impervious surface and is isolated from the flow control facility;
  2. The area at issue generating runoff is less than 500 square feet of impervious surface and it is not technically feasible to drain the untreated runoff to the flow control facility;
  3. Constructing facilities to control the flow of runoff from the area at issue would require removal of trees or damage to other natural resources;
  4. The area at issue generating runoff is less than 500 square feet of impervious surface and limited access to the area would prevent regular maintenance of the flow control facility.
- (d) The requirements in EC 9.6793(3)(d) that all flow control facilities be selected from and sited, designed, and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual may be adjusted upon finding that all of the following requirements are met:
1. The proposed alternative design will achieve equal, or superior, results for function (maintaining flow or restricting flow or both), maintainability and safety, and the proposed siting does not adversely affect structures or other properties;
  2. The applicant's written description of the proposed alternative design has been reviewed and approved by the City Engineer. The description of the proposed design submitted for review must



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include all of the following information for each component of the proposed alternative design:

- a. Size, technical description, capacity, capital cost, design life, construction process and costs, consequences of improper construction, operation and maintenance requirements and costs;
  - b. Data on the effectiveness of proposed alternative design, if available, including data from laboratory testing and pilot/full-scale operations, and information regarding the operations of any full-scale installations;
  - c. Any other available information about the proposed design, including peer review articles, scientific or engineering journals, and approvals from other jurisdictions.
3. The applicant has submitted a method and schedule for monitoring the effectiveness of the proposed design once constructed, and a schedule for its maintenance;
  4. The applicant has submitted a signed statement that the applicant will replace the alternative flow control facility if the facility does not function as proposed.
- (e) The requirement in EC 9.6795(3) that oil control facilities be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual may be adjusted if the applicant can demonstrate that the selected oil control facility will achieve the same result as those listed in the Stormwater Management Manual.
- (f) The requirement in EC 9.6796(3) that source controls be sited, designed and constructed according to source control provisions set forth in the Stormwater Management Manual may be adjusted if the applicant can demonstrate that the selected source control will achieve the same result as those listed in the Stormwater Management Manual. Applicants seeking an adjustment to EC 9.6796(3) must submit a completed authorization request form adopted as part of the Stormwater Management Manual.
- (25) /WQ Water Quality Overlay Zone Adjustment.** In accordance with EC 9.4784, a provision of the /WQ Water Quality Overlay Zone may be adjusted only upon a finding that the proposed adjustment meets criterion (a), (b), or (c) below:
- (a) Adjustment to Applicable Setback to Limit /WQ Management Area to 33% of Development Site. For any parcel greater than 6,000 square feet (not eligible for an automatic setback reduction under EC 9.4778(2)), the city shall make an adjustment to the applicable setback set out at EC 9.4778(1)(b) and (c) if no previous adjustment under this section has been approved for the specific portion of the /WQ Management Area and all of the following are met:
1. More than 33 percent of the development site, as defined in EC 9.0500, is occupied by the /WQ Management Area alone or in combination with a /WR Conservation Area;
  2. The proposed reduction in the applicable setback will result in the /WQ Management Area, alone or in combination with a /WR Conservation Area constituting no less than 33 percent of the

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- development site;
3. The new boundary of the /WQ Management Area shall be located:
    - a. Parallel to the original boundary (closer to the waterway); or
    - b. Through the application of setback averaging. Setback averaging shall be accomplished by expanding the /WQ Management Area in an undeveloped area of the development site, and reducing it in another area of the development site;
  4. For either the parallel adjustment in 3.a above or the setback averaging adjustment in 3.b. above, the applicable setback is not reduced by more than 15 feet for a 25 foot setback or more than 20 feet for a 40-foot setback unless further reduction is necessary to achieve the reduction in the /WQ Management Area to 33%, and in no case shall the setback boundary be located within the waterway channel;
  5. For parcels 13,500 square feet or greater, the water quality function rating when the proposed adjustment is implemented will be equal to or greater than the pre-adjustment water quality function rating for the /WQ Management Area based on the city's Water Quality Function Rating System; and
  6. Removal of all refuse, toxics, fill, unauthorized auto bodies, or similar materials located within the /WQ Management Area that are harmful to water quality or that limit the filtration of pollutants from runoff that flows across the /WQ Management Area shall be a condition of approval.
- (b) Adjustment to Applicable Setback Due to Development Constraints. For a parcel containing a /WQ Management Area, an adjustment to the applicable setback provisions of EC 9.4778(1)(b) and (c) shall be made if no previous adjustment under this section has been approved for the specific portion of the /WQ Management Area, consistent with the following:
1. The adjustment is necessary due to development constraints on the lot caused by the unique physical characteristics of the lot, including but not limited to narrow lot dimensions, irregular shape, and the relationship of these characteristics to the location and extent of the /WQ Management Area;
  2. The adjustment is the minimum necessary to allow the proposed use;
  3. Except as provided under (b)4. below, the new setback boundary shall be located through the application of setback averaging with no overall reduction in the /WQ Management Area. Setback averaging shall be accomplished by expanding the /WQ Management Area in an undeveloped area of the development site and reducing it in another area of the development site, provided:
    - a. At any location, the applicable setback is not reduced by more than 15 feet for a 25-foot setback or by more than 20 feet for a 40-foot setback; and
    - b. The water quality function rating when the proposed adjustment is implemented will be equal to or greater than the pre-adjustment water quality function rating for the /WQ

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- Management Area based on the city's Water Quality Function Rating System;
4. If, after applying the provisions of (b)3. above, the parcel remains physically constrained as described in (b)1. above, then the overall /WQ Management Area may be reduced. The new setback boundary shall be located:
    - a. Parallel to the original boundary (closer to the waterway); or
    - b. Through the application of setback averaging. Setback averaging shall be accomplished by expanding the /WQ Management Area in an undeveloped area of the development site, and reducing it in another area of the development site.
    - c. For either the parallel adjustment in 4.a. or the setback averaging adjustment in 4.b., the applicable setback is not reduced by more than 15 feet for a 25-foot setback or by more than 20 feet for a 40-foot setback;
    - d. For either the parallel adjustment in 4.a. or the setback averaging adjustment in 4.b., the water quality function rating when the proposed adjustment is implemented will be at least 150% of the pre-adjustment water quality function rating for the /WQ Management Area based on the city's Water Quality Function Rating System.
  5. Removal of all refuse, toxics, fill, unauthorized auto bodies, or similar materials located within the /WQ Management Area that are harmful to water quality or that limit the filtration of pollutants from runoff that flows across the /WQ Management Area shall be a condition of approval.
- (c) Adjustment to Allowed Uses and Development Standards. For property containing a /WQ Management Area, an adjustment to the provisions of EC 9.4780 or EC 9.4790 shall be made consistent with the following:
1. If the proposed adjustment is to allow a use that is otherwise prohibited under EC 9.4780(4), one of the following shall apply:
    - a. General Use Adjustment.
      - (1) The proposed use is of similar nature to a specific use listed in EC 9.4780(2) or (3);
      - (2) The applicant has submitted evidence through a qualified professional that the proposed use will have a water quality impact similar to the specific use identified pursuant to a.(1) above; and
      - (3) The applicant has shown compliance with any standards applicable to the specific use identified pursuant to a.(1), above.
    - b. Public Transportation System Improvements.
      - (1) The use or activity is:
        - (a) Necessary to construct a transportation facility included on a financially constrained or illustrative table in the federally approved Regional Transportation Plan; or
        - (b) Necessary to protect the public safety by ensuring the structural integrity of existing flood control structures; and

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- (2) The applicant has demonstrated that, based on the city's Water Quality Function Rating System (see EC 9.4782), the project will result in a water quality function rating equal to or greater than previously existed.
    - (3) If the applicant demonstrates that it is not feasible to meet the standards described in (c)1.a.(3) above, the applicant shall, instead, make improvements to another /WQ waterway over which the applicant also has management control. The applicant shall demonstrate that, based on the city's Water Quality Function Rating System (see EC 9.4782), such improvements will result in an increase in the water quality function rating of that waterway by an amount that is equal to or greater than the rating of the subject waterway prior to the approved adjustment.
  2. If the proposed adjustment is to a development standard of EC 9.4790, the applicant has provided evidence that the proposed alternative approach for effectively addressing a specific water quality concern is equal to or greater than the standard that would be otherwise required.
- (26) S-JW Jefferson Westside Special Area Zone.** The following standards applicable within the S-JW Jefferson Westside Special Area Zone may be adjusted upon a finding that the adjustment is consistent with the following criteria.
  - (1) Driveway width.** An additional two feet of width is allowed for any portion of a driveway that takes access from a street based on the following criteria:
    - (a) The additional driveway width is necessary to avoid an unsafe condition, to comply with the requirements of EC 9.6420 (Parking Area Standards) or to provide reasonable maneuvering room around an obstacle that cannot be practicably relocated to a different location that would not create a driveway obstacle; and
    - (b) The additional area allowed under this adjustment is the minimum necessary to accomplish the objective under (1)(a), above.
  - (2) Means of primary vehicle access.** A dwelling considered to have its primary vehicle access from the alley, according to EC 9.3625(3)(a)2.b., may be considered to have its primary vehicle access from the street if the applicant demonstrates that physical conditions or code standards preclude the establishment of vehicle parking on any part of the lot that could be accessed from the alley.
- (27) Driveways and Internal Circulation.** The driveway requirement of EC 9.6703(3)(a) may be adjusted if the site developer demonstrates with an Alternative Traffic Safety Study that a shorter driveway stacking area will provide safe ingress and egress to the development site, will not negatively impact the efficiency of the public right-of-way, and will not result in a hazard to the bicycle, pedestrian or vehicular traffic using the right-of-way.
- (28) Public Access Required.** The public access requirement of 9.6735(2) may be adjusted if the site developer demonstrates any of the following:

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- (a) Physical conditions preclude compliance with EC 7.420. Such conditions may include, but are not limited to, topography, trees, existing buildings or other existing development on the subject property or adjacent property.
  - (b) The proposed adjustments to the standards will provide safe ingress and egress to the development site, will not negatively impact the efficiency of the public right-of-way, and will not result in a hazard to the bicycle, pedestrian or vehicular traffic using the right-of-way.
  - (c) The proposed development will not impact one or more of the existing access connections to the development site. Impact to an existing access connection includes, but is not limited to, increasing the number of vehicles, either directly or indirectly, that will utilize an existing access connection for ingress or egress to the development site.
  - (d) Compliance with EC 7.420(1)(c) will result in traffic patterns inconsistent with the character of the property located within a quarter mile radius of the development site or will increase the number of vehicular trips using the street with the lower classification above the typical daily trip range for that street's classification.
- (29) S-WS Walnut Station Special Area Zone Off-Street Parking Spaces Adjustment.** An adjustment allowing a 25 percent reduction in the minimum required off-street parking spaces pursuant to EC 9.3970(4)(a), if the applicant demonstrates that a proposed Transportation Demand Management (TDM) Program approved by the city contains strategies for reducing vehicle use and parking demand generated by the development and establishes benchmarks by which the program's effectiveness will be measured annually.
- (30) Driveways and Parking Areas in R-3 and R-4.** The standards at EC 9.2751(15)(b)9. may be adjusted if the applicant demonstrates that any hardscaped or non-landscaped areas are separated from the driveway and associated parking area, and that vehicle access and parking is physically precluded.
- (31) /ND Nodal Development Overlay Zone.** Where this land use code provides that a development standard applicable within the /ND Nodal Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
    - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
  - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
- (32) /TD Transit Oriented Development Overlay Zone.** Where this land use code provides that a development standard applicable within the /TD Transit

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Oriented Development overlay zone may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:

- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
    - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
    - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
  - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
- (33) Large Employment Facilities Standards Adjustment.** Where this land use code provides that the large employment facilities standards may be adjusted, the standards may be adjusted upon finding that the proposed development achieves the purpose of EC 9.2463 through alternative or innovative design solutions.
- (34) Secondary Dwellings.** Where this land use code provides that the standards for secondary dwellings may be adjusted, the standards may be adjusted upon demonstration by the applicant that the applicable corresponding criteria are met.
- (a) Temporary Leave. A property owner may exceed the temporary leave provisions by one additional consecutive year if the property owner submits proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider.
  - (b) Conversion of Existing Building. A legally established building existing as of August 29, 2014, may be converted to a secondary dwelling if it complies with all of the following:
    - 1. The existing structure satisfies all secondary dwelling standards except the applicable sloped setback under Building Height/Interior Setback at EC 9.2571(17)(a)3. or EC 9.2751(17)(b)5.
    - 2. The secondary dwelling is limited to 600 square feet in total building square footage, and 15 feet in height.
    - 3. If the existing structure is closer than 5 feet to an interior property line, the adjacent property owner must provide written consent pursuant to EC 9.2751(7).
  - (c) Building Height. A secondary dwelling may have a maximum building height of up to 24 feet if all of the structure that would fall within the scope of the "Building Height/Sloped Setback" standard is at least 20 feet from all interior property lines and within the sloped setback.
  - (d) Secondary Dwellings on Flag Lots. Where natural features or other physical conditions make it impracticable to comply with the driveway

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setback and landscape screening requirements, the following adjustments are allowed:

1. Except as provided in 2. below, the driveway setback may be reduced to no less than four feet; however, in no event shall the setback be reduced more than is necessary to enable the driveway to meet the minimum driveway width, or
2. The driveway setback may be reduced to no less than one foot, and screening requirements may be reduced or eliminated, where
  - a. The zoning of the adjacent property does not allow for residential uses; and
  - b. The impacts of the adjacent uses would not be significantly worse under the reduced setback or lessened screening.

**(35) Alley Access Lots. Building Height/Interior Setback.** A dwelling on an alley access lot may have maximum building height of up to 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.

*(Section 9.8030, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003; administratively corrected March 31, 2003; amended by Ordinance 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance 20297, enacted August 11, 2003, effective September 10, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; administratively corrected April 5, 2004; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20355, enacted December 12, 2005, effective January 13, 2005; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; Ordinance 20433, enacted June 8, 2009, effective July 10, 2009; Ordinance 20449, enacted December 14, 2009, effective January 16, 2010; Ordinance 20457, enacted March 8, 2010, effective April 10, 2010; Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010; Ordinance No. 20492, enacted May 14, 2012, effective June 15, 2012; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014; Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014; Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014; and Ordinance No. 20541, enacted July 28, 2014, effective August 29, 2014.)*

## Annexations

**9.8035 Annexation Application Requirements and Criteria.** The provisions for processing annexation applications are found in EC 9.7800 through 9.7835, Annexation Application Procedures and Criteria.

*(Section 9.8035, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

## Cluster Subdivision

**9.8040** **Purpose of Cluster Subdivisions.** The cluster subdivision provisions are designed to provide for flexibility in achieving the allowed density while protecting natural resources or creating open space on development sites in residential zones.

*(Section 9.8040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8045** **Applicability of Cluster Subdivisions.** Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing needed housing, as defined in state statutes, shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing. No development permit shall be issued by the city prior to approval of the cluster subdivision.

*(Section 9.8045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8050** **Cluster Subdivision Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative cluster subdivision plan applications:

- (1) All cluster subdivision applications shall include the standard subdivision requirements set forth in EC 9.8510 Subdivision, Tentative Plan Application Requirements except for 9.8510(4).
- (2) The cluster subdivision application shall identify a project coordinator that is either licensed in the state of Oregon to practice architecture or landscape architecture. For applications that include 4 acres or more, the application shall also include a professional design team consisting of at least the following professionals:
  1. Architect.
  2. Civil Engineer or Land Surveyor.
  3. Landscape Architect or Planner.

*(Section 9.8050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8055** **Cluster Subdivision- Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

- (1) The proposed subdivision complies with:
  - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General except for the standards related to EC 9.2760 Residential Zone Lot Standards; and
  - (b) EC 9.2750 Residential Zone Development Standards;
  - (c) Within the /WR Water Resources Conservation Overlay Zone or the /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
    1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
    2. The /WQ Management Area;
  - (d) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements,



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and operation and maintenance.

With the exception of density requirements, the residential development standards of EC 9.2750 Residential Zone Development Standards and EC 9.2751 Special Development Standards for Table 9.2750 may be relaxed based on compliance with the remainder of the cluster subdivision criteria. An exception or an adjustment to a development standard constitutes compliance with the standard.

- (2) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision includes at least 25% of the development site in common open space that either is suitable area for natural resource protection or for use by residents. Areas used for motor vehicle parking and maneuvering shall not be considered as open space.
- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision shall maintain open space around natural features, such as steep slopes, wooded areas, and natural waterways or wetlands where those exist, or create common open space with amenities for community activities for residents such as picnic areas, playgrounds, sports features, or gardens.
- (4) The cluster subdivision will provide an appropriate transition to surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
- (5) The proposed residential density, accounting for any duplex, tri-plex and fourplex lots, shall comply with Table 9.2750 Residential Zone Development Standards.
- (6) The proposed development provides adequate degree of light, air circulation, and privacy for residents within the development.
- (7) For areas included on the city's acknowledged Goal 5 inventory, natural resource protection shall be consistent with the acknowledged level of protection provided for the resource.

*(Section 9.8055, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; and administratively corrected June 5, 2003; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; administratively corrected August 28, 2006 and February 5, 2007; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

## Code Amendments

**9.8060** **General Requirements.** Sections 9.8060 through 9.8065 apply to amendments to this land use code, which shall be processed as provided in EC 9.7500 through EC 9.7560, under Type V Application Procedures.

*(Section 9.8060, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8065** **Code Amendment Approval Criteria.** If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

- (1)** Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.
- (2)** Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.
- (3)** In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

*(Section 9.8065, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Conditional Use Permits

**9.8075** **Purpose of Conditional Use Permits.** Certain types of uses require special consideration before being permitted in particular zones. The reasons for requiring special consideration include, for example, the size of the area required for the full development of those uses, the nature of traffic problems incidental to operation of those uses, the effect those uses might have on adjoining land uses, potential environmental impacts, and their effect on the growth and development of the community as a whole. Uses permitted only with a conditional use permit may also possess unique or special characteristics that make it unacceptable to permit them in particular zones without conditions. In zones where a use may be conditionally permitted, the location and operation of the use is subject to conditional use permit review and approval under a Type III application procedure. One purpose for the review is to determine if the characteristics of the use can be made reasonably compatible with the type of uses permitted outright in surrounding areas. Another purpose is to provide reasonable and necessary conditions so the basic purposes of this land use code are served.

*(Section 9.8075, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8080** **Applicability.** Conditional use permits apply to the initiation or expansion of a use listed as being subject to the conditional use permit review process in this land use code. When a conditional use permit is required, no development permit shall be issued by the city prior to approval of the conditional use permit.

*(Section 9.8080, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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 9.7885, 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 statutes, 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.

*(Section 9.8085, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8090** **Conditional Use Permit Approval Criteria - General.** A conditional use permit shall be granted only if the proposal conforms to all of the following criteria:

- (1) The proposal is consistent with applicable provisions of the Metro Plan and applicable refinement plans.
- (2) The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, as they relate to the following factors:
  - (a) The proposed building(s) mass and scale are physically suitable for the type and density of use being proposed.

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- (b) The proposed structures, parking lots, outdoor use areas or other site improvements which could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or are adequately mitigated through other design techniques, such as screening and increased setbacks.
- (c) If the proposal involves a residential use, the project is designed, sited and/or adequately buffered to minimize off-site impacts which could adversely affect the future residents of the subject property.
- (3) The location, design, and related features of the proposal provides a convenient and functional living, working, shopping or civic environment, and is as attractive as the nature of the use and its location and setting warrant.
- (4) The proposal demonstrates adequate and safe circulation exists for the following:
  - (a) Vehicular access to and from the proposed site, and on-site circulation and emergency response.
  - (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
- (5) The proposal is designed and sited to minimize impacts to the natural environment by addressing the following:
  - (a) Protection of Natural Features.
    - 1. For areas not included on the city's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
      - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under state or federal law), and native plant communities.
      - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under state or federal law).
      - c. Prominent topographic features, such as ridgelines and rock outcrops.
      - d. Wetlands, intermittent and perennial stream corridors and riparian areas.
      - e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.
    - 2. For areas included on the city's acknowledged Goal 5 inventory, the preservation of natural features shall be consistent with the acknowledged level of preservation provided for the area.
  - (b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:
    - 1. Healthy trees that have a reasonable chance of survival

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considering the base zone or special area zone designation and other applicable approval criteria

2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow.
  3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement.
  4. Trees that provide a buffer between potentially incompatible land uses.
  5. Trees located along the perimeter of the lot(s) and within building setback areas.
  6. Trees and stands of trees located along ridgelines and within view corridors.
  7. Trees with significant habitat value
  8. Trees adjacent to public parks, open space and streets.
  9. Trees along water features.
  10. Heritage trees.
- (c) Restoration or Replacement.
1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
    - a. Planting of replacement trees within common areas; or
    - b. Re-vegetation of slopes, ridgelines, and stream corridors; or
    - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.
  2. For areas included on the city's acknowledged Goal 5 inventory, any loss of natural features shall be consistent with the acknowledged level of preservation provided for the resource.
- (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.
- (6) The proposal provides adequate public facilities and services including, but not limited to utilities, streets, and other infrastructure.
- (7) The proposal does not create any significant risk to public health and safety, including but not limited to soil erosion and flood hazard, or an impediment to emergency response.
- (8) The proposal complies with all applicable standards, including but not limited to:
- (a) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;
  - (b) EC 9.6500 through EC 9.6505 Public Improvement Standards;
  - (c) EC 9.6735 Public Access Required.
  - (d) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance; and
  - (e) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and other

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- Public Ways;
- (f) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category, it shall achieve the 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. For purposes of calculating “net density,” the acreage of land considered shall include the entire development site and exclude public property, such as public streets, parks, and other public facilities. In considering whether to grant a modification to the density requirements, the hearings official shall evaluate the following factors:
1. The availability of the development site for residential use on August 1, 2001. The term “availability” in this section shall include consideration of whether the site was already developed with non-residential uses or had other site constraints impacting its suitability for residential use.
  2. The necessity of the development site to be developed with residential uses to be able to achieve the minimum residential density for the area designated on the Metro Plan Land Use Diagram for either medium- or high-density residential use.
  3. Adopted plan policies indicate the suitability and appropriateness of the site for non-residential use.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard. Additional criteria may also be required based on the applicability of other sections of this land use code.

- (9) The proposal complies with the Traffic Impact Analysis Review provisions of EC 9.8650 through 9.8680 where applicable.

*(Section 9.8090, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; Ordinance No. 20457, enacted March 8, 2010; effective April 10, 2010; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

- 9.8100 Conditional Use Permit Approval Criteria- Needed Housing.** The hearings official shall approve, conditionally approve, or deny the conditional use permit application. Unless the applicant elects to use the general criteria contained in EC 9.8090 Conditional Use Permit Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a conditional use based on compliance with the following criteria:
- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
  - (2) If applicable, the proposal complies with the standards contained in EC 9.5500 Multiple-Family Standards.
  - (3) For areas not included on the city’s acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with all of the following:
    - (a) The proposal complies with EC 9.6880 to EC 9.6885 Tree Preservation

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- and Removal Standards.
- (b) Natural resource areas designated on the Metro Plan diagram as “Natural Resource” are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.
- (4) The proposal complies with all applicable standards, including, but not limited to:
- (a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
  - (b) EC 9.6710(6) Geological and Geotechnical Analysis.
  - (c) EC 9.6730 Pedestrian Circulation On-Site.
  - (d) EC 9.6735 Public Access Required.
  - (e) EC 9.6750 Special Setback Standards.
  - (f) EC 9.6775 Underground Utilities.
  - (g) EC 9.6780 Vision Clearance Area.
  - (h) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
  - (i) An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
- (5) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
- (a) A performance bond or suitable substitute as agreed upon by the city 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 conditional use permit, and the petition has been accepted by the city engineer.

*(Section 9.8100, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; and amended by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

### **9.8105 Conditional Use Permits within the NR Natural Resource Zone or /WB Wetland Buffer Overlay Zone.**

- (1) **Purpose.** This classification of conditional use is provided in order to facilitate special review of certain uses within the natural resource zone or the wetland buffer overlay zone. It is intended to implement policies in the adopted West Eugene Wetlands Plan or other applicable plans.
- (2) **Criteria for Hearings Official Approval.** Applications for conditional use permits within the NR natural resource zone or /WB wetland buffer overlay zone shall be processed and scheduled for public hearings in the same manner as other conditional use permit applications, except that NR standards (2) through (19) listed in EC 9.2530 Natural Resource Zone Development Standards shall be considered as additional criteria along with the criteria listed in EC 9.8090 Conditional Use Permit Approval Criteria - General.

*(Section 9.8105, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

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**9.8107**     **Modifications to Approved Conditional Use Permit.** After the effective date of the approval of the conditional use permit, modifications to the approved conditional use permit may be considered in accordance with the Type II application procedures contained in EC 9.7200 through 9.7230, Type II Application Procedures. The planning director shall approve the request only if it complies with the following criteria:

- (1) The proposed modification is not materially inconsistent with the conditions of the original approval; and
- (2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the requested modification does not meet the criteria for approval, the application will be denied. The applicant may submit the requested modification as a new conditional use permit application based on Type III procedural requirements. Nothing in this land use code shall preclude the applicant from initially submitting the requested modification as a new conditional use permit application.

*(Section 9.8110, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; renumbered as 9.8107 by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.8109**     **Conditional Use Permit, Revocation.** The hearings official may revoke a conditional use permit based on the criteria in EC 9.0260 Revocation of Conditional Use Permits, in the manner provided in that section.

*(Section 9.8113, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; renumbered as 9.8109 by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*



## DESIGN REVIEW

**9.8110** **Design Review- Purpose.** The design review process is intended to provide an alternative path for design proposals that respond to the intent of the code and creatively meet or exceed the specific development standards.

*(Section 9.8110 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.8111** **Design Review - Applicability.** Applicants within the S-WS Walnut Station Special Area Zone or S-DR Downtown Riverfront Special Area Zone may seek approval through the Design Review process per EC 9.3980 or EC 9.3190. These applications for review shall be considered under a Type II process, or concurrently with a related Type III application process. No development permit shall be issued by the city prior to completion of the design review.

*(Section 9.8111 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.8112** **Design Review – Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, applications for Design Review shall be subject to the following requirements:

- (1) Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:
  - (a) Oregon licensed architect.
  - (b) Oregon licensed civil engineer.
  - (c) Oregon licensed landscape architect.
- (2) The application shall include a site plan that shows sufficient detail and supporting narrative information to demonstrate compliance with applicable criteria. Unless waived by the planning director, the site plan shall be prepared by an Oregon licensed architect, landscape architect, civil engineer or Oregon licensed surveyor.

*(Section 9.8112 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.8113** **Design Review - Approval Criteria.** The decision-maker shall determine whether the application is in compliance with the Design Review criteria set out in the code section that authorizes Design Review.

*(Section 9.8113 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

**9.8114** **Design Review – Modification.** Modification of an approved Design Review may be requested following the Type II process. The planning director shall approve the request if it complies with the following criteria:

- (1) The proposed modification is consistent with the conditions of the original approval.
  - (2) The proposed modification will result in insignificant changes in the physical appearance of the development and the impact on surrounding properties.
- If the planning director determines that the modification is not consistent with the above criteria, the proposed modification may not occur until a new Design Review application is submitted and reviewed based on the Type II application procedures. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new Design Review application.

*(Section 9.8114 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

## EXTRA-TERRITORIAL EXTENSION OF WATER OR SEWER SERVICE

**9.8115 Extra-Territorial Extension of Water or Sewer Service – Purpose.** Sections 9.8115 through 9.8121 govern the approval of requests that the city extend water service or sewer service from inside the city limits to serve property located outside of the city limits. Except as specifically permitted in EC 9.8121, extensions may not go beyond the urban growth boundary. These regulations are intended to accomplish the orderly development of land within the urban growth boundary, ensure the adequate provision of public facilities and services, protect the public health and safety of the community and enable development to occur consistent with applicable provisions of the Metro Plan. Terms and criteria may be more specifically explained in adopted city resolutions concerning extra-territorial extensions.  
*(Section 9.8115 added by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.8117 Extra-Territorial Extension of Water or Sewer Service – Applicability.** The provisions of EC 9.8115 through 9.8121 apply to applications requesting the extension of water service or sewer service from inside the city limits to serve property located outside of the city limits.  
*(Section 9.8117 added by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.8119 Extra-Territorial Extension of Water or Sewer Service – Application Requirements.** In addition to the provisions of EC 9.7010 Application Filing, an application for extra-territorial extension of water or sewer service shall include the following:

- (1) A list of all tax lots proposed to be served, including street addresses;
- (2) The proposed number of service connections and their locations;
- (3) A written narrative addressing the proposal's consistency with the approval criteria in EC 9.8121.

*(Section 9.8119 added by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008.)*

**9.8121 Extra-Territorial Extension of Water or Sewer Service – Procedures and Approval Criteria.** The city council shall hold a public hearing to consider an application for an extra-territorial extension of water or sewer service.

- (1) Notice of the public hearing shall be:
  - (a) Mailed at least 30 days prior to the public hearing to:
    1. The applicant;
    2. Owners and occupants of properties located within 750 feet of the perimeter of the subject property; and
    3. The neighborhood group or community organization officially recognized by the city council that includes the area of the subject property and any neighborhood group or community organization officially recognized by the city council for the area that is located within 750 feet of the perimeter of the subject property
  - (b) Published in a local newspaper with general circulation at least 20 days prior to the public hearing; and
  - (c) Posted on the property that is the subject of the application in a location clearly visible from adjacent streets.
- (2) The city council shall adopt a resolution approving or denying the application. The city council's decision is final, and shall be based on compliance with the following criteria:

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- (a) The property proposed for service is located within the city's urban growth boundary, is located within the property boundaries of the Mahlon Sweet Airport, or, for purposes of water extension only, Lane Community College;
- (b) In no case shall the city extend services extra-territorially to a property that could, instead, be annexed. Further, to receive extra-territorial water or sewer service an applicant must demonstrate the inability to satisfy either EC 9.7825(2) or (3);
- (c) The applicant has entered into an annexation agreement on forms provided by the city pertaining to the property proposed to be served or will enter into such an annexation agreement as a condition of approval;
- (d) The property proposed for service is not vacant;
- (e) The provision of service will not prolong uses which are nonconforming uses under the Eugene Code, 1971;
- (f) In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;
- (g) The proposed extension is consistent with adopted resolutions, policies, plans and ordinances concerning extra-territorial extensions; and
- (h) Even if a proposed extension is inconsistent with the criteria above, the city may approve an extra-territorial extension of water or sewer service consistent with adopted city resolutions, policies, plans and ordinances:
  - 1. Where a communicable disease hazard exists and the extension is the only practical remedy; or
  - 2. To property within a dissolved water district within which EWEB is providing service to some properties.

*(Section 9.8121 added by Ordinance No. 20400, enacted December 10, 2007, effective January 1, 2008; and amended by Ordinance No. 20411, enacted June 9, 2008, effective July 11, 2008.)*

## Hazardous Materials Review

**9.8130**     **Purpose of Hazardous Materials Review.** The purpose of Hazardous Materials Review is to ensure that a development or use proposed to be located in an area with either known or potential special hazardous materials is established only if necessary steps have been taken to address issues of public health, safety and welfare.

*(Section 9.8130, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8135**     **Applicability.** Hazardous material review is required when the development or use is proposed to be located in an area with either known or potential special hazardous materials, as defined in this code or rules issued thereunder, based on the prior use of the site or the existence of hazardous materials located on or adjacent to the site.

*(Section 9.8135, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8140**     **General Application Requirements.** An application for Hazardous Materials Review shall contain each of the items required by the American Society for Testing and Materials (ASTM) Standards E-1527 and E-1528, available at the city's public works department.

*(Section 9.8140, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8145**     **Approval Criteria.** The planning director shall approve, conditionally approve, or deny an application for Hazardous Materials Review, following a Type II process. Approval or conditional approval shall be based on compliance with the following criteria:

- (1) The proposed development or use will have no adverse health or safety impacts on the community.
- (2) The proposed development or use will meet adopted city standards related to hazardous materials.
- (3) All mitigating measures necessary to alleviate impacts to public health, safety and welfare have been identified and provided for.
- (4) The design and construction of building foundations and public and private utilities and infrastructure improvements meet adopted city standards.

*(Section 9.8145, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Historic Property Applications

**9.8150** **Purpose of Historic Property Applications.** To help make the citizens of the community and its visitors aware of the origin, development, and historic significance of property, this land use code contains regulations for the preservation of historic property.

*(Section 9.8150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8155** **Applicability.** These regulations are applicable to historic property as defined in this land use code.

*(Section 9.8155, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8160** **General Application Requirements.** All historic property applications shall be submitted on a form approved by the city manager and in the manner provided in EC 9.7000 through EC 9.7030, and shall also comply with the following additional requirements for historic property applications:

- (1) Historic Landmark Designation.** The historic landmark designation follows a Type III process and may be initiated by the property owner, planning director, or city council.
- (2) Historic Landmark- Removal of Designation.** The property owner of a historic landmark or the planning director may initiate the process to remove historic landmark designation. Removal applications shall follow a Type I process.
- (3) Historic Property Demolition.** A pre-application conference is required prior to submittal of a historic property demolition application. The demolition application shall follow a Type II application process (EC 9.7010 Application Filing). In order for the city to determine that a historic property demolition application is complete, the owner shall establish that within the previous year the owner has solicited purchase offers for the historic property by giving notice of sale of the property as follows:
  - (a) Listing the property for sale in both The Register Guard and Oregonian at least six times and at regular intervals;
  - (b) Posting and maintaining visible for sale sign(s) on the property as specified by the planning director; and
  - (c) Making a financial prospectus on the status of the property available to interested parties.

As part of the historic property demolition application, the applicant shall prepare and submit a historic property mitigation report.

*(Section 9.8160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8165** **Historic Landmark- Designation Approval Criteria.** The historic review board shall designate a historic resource as a historic landmark if it finds that the following criteria are met:

- (1)** Designation is consistent with applicable provisions of the Metro Plan and applicable refinement plans.
- (2)** Designation is based on a determination of historic significance according to one or more of the following:
  - (a) Is associated with events that have made a significant contribution to the broad patterns of history.

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- (b) Is associated with the lives of persons significant to our past.
  - (c) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
  - (d) Yields, or may be likely to yield, information important to prehistory or history.
- (3) In addition to EC 9.8165 (1) and (2) above, criteria for designation of a historic resource that was moved, is primarily commemorative in intent, or less than fifty years of age shall include the following considerations:
- (a) A historic resource moved from its original location or a place that has historic significance can be eligible if it has historic architectural significance or is the surviving property most importantly associated with a historic person or event.
  - (b) A historic resource that is primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historic significance.
  - (c) A historic resource achieving significance within the last fifty years can be eligible if it is of exceptional importance.

*(Section 9.8165, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8170** **Historic Landmark-Removal of Designation Approval Criteria.** The planning director shall remove a historic property from the local list of landmark designations if any of the following conditions are met:

- (1) Upon verification that the historic landmark is demolished or moved.
- (2) The property owner requests that the local historic landmark designation be removed.

*(Section 9.8170, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8175** **Historic Property Alteration Approval Criteria.** The planning director shall approve, approve with conditions or deny an application for historic property alteration. Approval, or conditional approval shall be granted if all of the following criteria for historic rehabilitation or historic restoration work are met:

- (1) The historic significance of the property is retained and preserved by minimizing the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the historic property.
- (2) The historic property remains recognizable as a physical record of its time, place, and use. The alteration will not create a false sense of historical development by adding conjectural features or elements from other historic properties or time periods.
- (3) Changes to the property that have acquired historic significance in their own right are retained and preserved to the extent possible.
- (4) Distinctive materials, features, finishes, construction techniques, or examples of skilled craftsmanship that characterize the property are retained to the extent possible.
- (5) Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and where possible, materials. Whenever possible replacement of missing features, including identified historic landscape features, is substantiated by historic, pictorial, or

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physical evidence rather than on conjectural designs.

- (6) New additions, exterior alterations, or related new construction do not unnecessarily destroy historic materials, features, and spatial relationships that characterize the property. The new work is differentiated from the old and is compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. If a historic property alteration is removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired to the extent possible.
- (7) If applicable, the proposed alteration is consistent with development standards or design guidelines adopted by the historic review board.
- (8) Every reasonable effort is made to protect known archeological resources affected by and adjacent to any alteration project. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) The proposed alteration complies with all applicable standards or adjustments thereto made pursuant to provisions beginning at EC 9.8015 of this land use code.

*(Section 9.8175, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8180 Historic Property Demolition Approval Criteria.** No person may demolish a historic property unless the planning director has approved, with or without conditions, an application to do so and a demolition permit has been obtained from the city manager. (Refer to EC 9.8160 General Application Requirements concerning pre-application requirements.) The planning director may condition approval of the application upon a postponement of the demolition if it will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If a postponement is a condition of approval, the decision of the planning director shall be in writing and contain findings and conclusions. The planning director shall consider the following in assessing the likelihood of preservation:

- (1) The state of repair of the historic property and the financial and physical feasibility of historic rehabilitation, historic property moving, or leaving the property in its current state or location.
- (2) The effects of the moving upon the use and development of the historic property.
- (3) The marketability of the property and the willingness of the property owner to sell the property.

As a condition of approval of a demolition permit the planning director may impose certain documentation or artifact preservation requirements as outlined in the application form. These application provisions may be waived by the planning director based on public safety concerns and an immediate need to allow the structure to be demolished. Waiver under this section however does not waive the requirement for a demolition permit that would be applicable for property without historic property designation.

*(Section 9.8180, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8185 Historic Property Moving Approval Criteria.** No person may move a historic property unless the planning director has approved an application to do so and the necessary permits have been obtained. The planning director shall approve the

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application unless a postponement will likely result in preservation of the historic property at its current site. A postponement shall be for a maximum of 60 days from the time the city determines the application is complete. If the planning director requires postponement, the decision shall be in writing and contain findings and conclusions. The planning director shall consider all of the following in assessing the likelihood of historic preservation:

- (1) Relocation is the only viable alternative for preservation of the historic property.
- (2) The effects of the moving upon the use and development of the historic property.
- (3) The historic property is structurally capable of relocation.
- (4) The proposed new relocation site will not reduce the historic significance or historic architectural significance of the historic property.

When a historic property is moved to a new location, the historic property status is automatically removed for that property at the new site unless the planning director, using the process required for designation, determines that the historic landmark designation is appropriate.

*(Section 9.8185, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*



## Interpretations

**9.8187** **Interpretations.** Interpretations of this land use code and decisions issued pursuant to this land use code shall be determined as provided in EC 9.0040 Land Use Code and Decision Interpretation.

*(Section 9.8187, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Metro Plan Amendments

**9.8190** **Metro Plan Amendments Application Requirements and Criteria.** Provisions for Metro Plan amendment applications are found beginning at EC 9.7700 Metro Plan Amendment Procedures.

*(Section 9.8190, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Partitions, Tentative Plan

**9.8200** **Purpose of Partitions, Tentative Plan.** Sections 9.8200 through 9.8245 govern the approval of partitions. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect the public health and safety of the community and enable development to occur consistent with applicable provisions of the Metro Plan.

*(Section 9.8200, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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, following a Type II application procedure. 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.

*(Section 9.8205, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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:

- (1) Applications are prepared by an Oregon licensed land surveyor and contain a preliminary title report.
- (2) Applications include all contiguous property under the same ownership as the subject property, and are signed by the owner of the property.
- (3) The lot proposed to be divided in the partition application is a legal lot.
- (4) If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the partition application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8215 Partition, Tentative Plan Approval Criteria- General instead of the approval criteria found in EC 9.8220 Partition, Tentative Plan Approval Criteria- Needed Housing.

*(Section 9.8210, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)*

**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:

- (1) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
  - (a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone or the /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
    1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward

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- beyond the conservation setback; or
2. The /WQ Management Area.
  - (b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
  - (c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
  - (d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
  - (e) EC 9.6710 Geological and Geotechnical Analysis.
  - (f) EC 9.6735 Public Access Required.
  - (g) EC 9.6750 Special Setback Standards.
  - (h) EC 9.6775 Underground Utilities.
  - (i) EC 9.6780 Vision Clearance Area.
  - (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
  - (k) All other applicable development standards for features explicitly included in the application.
  - (l) The applicable adopted plan policies beginning at EC 9.9500.  
An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
- (2) The proposed partition will not create a new nonconforming situation.
  - (3) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.
  - (4) If the provisions of EC 9.8215(1) require a public street, or if the applicant proposes the creation of a public street, all of the following criteria also apply:
    - (a) The proposal will not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.
    - (b) The proposed partition will:
      1. Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;
      2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
      3. Not hamper the adequate provision of publicly owned open space for recreation needs.
    - (c) The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient and direct transit circulation, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.
  - (5) As far as is practicable, lot side lines run at right angles to the street upon which the lots face, except that on curved streets they are radial to the curve.
  - (6) On R-1 zoned property, if the partition results in a parcel greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of parcel lines and other details of layout that show future division of the parcel may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets,

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bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

*(Section 9.8215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014; and Ordinance 20528, enacted May 14, 2014, effective June 23, 2014.)*

**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:

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
- (2) The proposed partition complies with all of the following:
  - (a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
    1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
    2. The /WQ Management Area.
  - (b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
  - (c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
  - (d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
  - (e) EC 9.6710(6) Geological and Geotechnical Analysis.
  - (f) EC 9.6735 Public Access Required.
  - (g) EC 9.6750 Special Setback Standards.
  - (h) EC 9.6775 Underground Utilities.
  - (i) EC 9.6780 Vision Clearance Area.
  - (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
  - (k) EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
  - (l) All other applicable development standards for features explicitly included in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

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- (3) The proposed partition will not cause any existing improvements on proposed lots to be inconsistent with applicable standards in this land use code.
- (4) Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.
- (5) If the provisions of EC 9.8220(2) require a public street, or if the applicant proposes the creation of a public street, the following criteria also apply:
  - (a) The proposed land uses and densities within the partition are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.
  - (b) Provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
  - (c) The street layout of the proposed partition shall disperse motor vehicle traffic onto more than one public local street when the sum of proposed partition parcels and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.
- (6) On R-1 zoned property, if the partition results in a parcel greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of parcel lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. Any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

*(Section 9.8220, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; administratively corrected July 9, 2003; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

## Partition, Final Plat

**9.8225 Purpose of Partition, Final Plat.** The partition process includes both a tentative plan and final plat procedure. Sections 9.8225 through 9.8245 provide the regulations for processing partition final plat applications to ensure that tentative plan approval conditions have been met.

*(Section 9.8225, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8230 Applicability of Partition, Final Plat Applications.** A partition final plat application is applicable when the subject property has received tentative plan approval and any required approval conditions have been met.

*(Section 9.8230, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8235 Partition, 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 plat approval and state and local platting requirements.

*(Section 9.8235, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8240 Partition, Final Plat Approval Criteria.**

The planning director shall approve or deny the partition's final plat. 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 partition 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 partition approval have been met and the final plat

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substantially conforms to the provisions of the approved tentative partition.  
(Section 9.8240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02;  
amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)

**9.8245**     **Partition, Final Plat Recordation.** The city surveyor and planning director shall note their approval of the partition on the partition's 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 partition plat to Lane County for signature by the county assessor and recording.  
(Section 9.8245, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## Planned Unit Development, Tentative Plan

- 9.8300** **Purpose of Planned Unit Development.** The planned unit development (PUD) provisions are designed to provide a high degree of flexibility in the design of the site and the mix of land uses, potential environmental impacts, and are intended to:
- (1) Create a sustainable environment that includes:
    - (a) Shared use of services and facilities.
    - (b) A compatible mix of land uses that encourage alternatives to the use of the automobile.
    - (c) A variety of dwelling types that help meet the needs of all income groups in the community.
    - (d) Preservation of existing natural resources and the opportunity to enhance habitat areas.
    - (e) Clustering of residential dwellings to achieve energy and resource conservation while also achieving the planned density for the site.
  - (2) Create comprehensive site plans for geographic areas of sufficient size to provide developments at least equal in quality to those that are achieved through the traditional lot by lot development and that are reasonably compatible with the surrounding area.

*(Section 9.8300, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.8305** **Applicability.** PUD provisions shall be applied when any of the following conditions exist:
- (1) The proposal is subject to review and approval through the PUD process according to an adopted refinement plan, including but not limited to, property within the boundary of the South Hills Study where all or a portion of a development site is:
    - (a) Between an elevation of 500 feet and 701 feet, and the development site is at least 4 acres with areas of the development site containing slopes that exceed 20%.
    - (b) On property above 701 feet in elevation, except partitions that do not include the creation of a public street, unless an alternate review procedure is approved pursuant to EC 9.9630(3)(a).
    - (c) Above an elevation of 900 feet, except for a land division undertaken by or on behalf of a governmental entity in order to preserve, manage, or expand park, open space, or natural resource areas.
  - (2) The property is zoned with a /PD overlay zone.
  - (3) One or more land uses proposed for the site are subject to review and approval through the PUD process according to the zoning.
  - (4) When requested by the property owner.

No development permit shall be issued by the city prior to approval of the final PUD.

*(Section 9.8305, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.8310** **Tentative Planned Unit Development General Application Requirements.**
- (1) **Ownership.** The area included in a proposed PUD shall either be under single ownership or common development control. The application shall include all contiguous property under the same ownership or development control, shall be signed by the owner of the property, and include such related information as prescribed by the planning director. Otherwise contiguous



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parcels that are separated only by a public right-of-way, shall be included in the PUD application unless the public right-of-way is designated an arterial or collector on the street classification map. If otherwise contiguous parcels are separated by an arterial or collector street, the applicant may, at the applicant's discretion, include those parcels in the PUD application.

- (2) **Project Coordinator and Professional Design Team.** The tentative PUD application shall identify the PUD project coordinator and the professional design team and certify compliance with the following:
- (a) Project Coordinator. The project coordinator shall:
1. Be the liaison between the applicant and the city.
  2. Ensure that the required plans are prepared and executed according to any required conditions.
  3. Either be a member of the American Institute of Certified Planners or licensed in the state of Oregon to practice architecture, civil engineering, or landscape architecture.
- The project coordinator, or at least one design team member, shall attend all public meetings at which the proposal is discussed.
- (b) Professional Design Team Designation. Unless waived by the planning director, the professional design team shall consist of at least the following professionals:
1. Oregon licensed arborist.
  2. Oregon licensed architect.
  3. Oregon licensed civil engineer.
  4. Oregon licensed landscape architect.
  5. Oregon licensed land surveyor.
- (c) Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on those drawings. To ensure comprehensive review of all plans for compliance with the PUD provisions by the professional design team, the cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the professional design team stating that the portion of the project in which he or she was involved complies with the following:
1. Meets the standards of his or her profession.
  2. Complies with the tentative PUD criteria.
- (3) **Phasing.** The tentative PUD application shall include a phasing plan that indicates any proposed phases for development, including the boundaries and sequencing of each phase. Phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements.
- (4) **Density.** Dwelling unit densities for PUDs shall be consistent with Table 9.2750 Residential Zone Development Standards. The calculation of the number of dwelling units allowed shall be determined based on the following:
- (a) Easement Calculations. If it is demonstrated that easements will benefit residents of the proposed PUD, residential density calculations may include areas in easements, with the exception of private streets or ingress/egress easements.
- (b) Dedications. If it is demonstrated that lands dedicated to the city will benefit residents of the proposed PUD, residential density calculations may include areas dedicated to the public for recreation or open space.

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- (c) Cumulative Density. When final plans are to be approved in phases, at no time shall the cumulative residential density exceed the overall density per acre established at the time of tentative plan approval.
- (5) **Needed Housing**. If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the PUD application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8320 Tentative Planned Unit Development Approval Criteria- General instead of the approval criteria found in EC 9.8325 Tentative Planned Unit Development Approval Criteria- Needed Housing.

*(Section 9.8310, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

- 9.8320 Tentative Planned Unit Development Approval Criteria- General**. The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions shall be based on compliance with the following criteria:
- (1) The PUD is consistent with applicable adopted policies of the Metro Plan.
  - (2) The PUD is consistent with applicable adopted refinement plan policies.
  - (3) The PUD will provide adequate screening from surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
  - (4) The PUD is designed and sited to minimize impacts to the natural environment by addressing the following:
    - (a) Protection of Natural Features.
      1. For areas not included on the City's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
        - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under State or Federal law), and native plant communities.
        - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
        - c. Prominent topographic features, such as ridgelines and rock outcrops.
        - d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
        - e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.
      2. For areas included on the City's acknowledged Goal 5 inventory:
        - a. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will:
          - (1) Avoid unnecessary disruption or removal of attractive natural features and vegetation, and
          - (2) Avoid conversion of natural resource areas designated in the Metropolitan Area General Plan to urban uses when alternative locations on the property are suitable for development as otherwise permitted.

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- b. Proposed buildings, road, and other uses are designed and sited to assure preservation of significant on-site vegetation, topographic features, and other unique and worthwhile natural features, and to prevent soil erosion or flood hazard.
  - (b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:
    - 1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
    - 2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
    - 3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
    - 4. Trees that provide a buffer between potentially incompatible land uses;
    - 5. Trees located along the perimeter of the lot(s) and within building setback areas;
    - 6. Trees and stands of trees located along ridgelines and within view corridors;
    - 7. Trees with significant habitat value;
    - 8. Trees adjacent to public parks, open space and streets;
    - 9. Trees located along a water feature;
    - 10. Heritage trees.
  - (c) Restoration or Replacement.
    - 1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
      - a. Planting of replacement trees within common areas; or
      - b. Re-vegetation of slopes, ridgelines, and stream corridors; or
      - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.
    - 2. For areas included on the city's acknowledged Goal 5 inventory, any loss of significant natural features described in criteria (a) and (b) above shall be consistent with the acknowledged level of protection for the features.
  - (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305.
- (5) The PUD provides safe and adequate transportation systems through compliance with the following:
- (a) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (10) below).

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- (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
- (c) The provisions of the Traffic Impact Analysis Review of EC 9.8650 through 9.8680 where applicable.
- (6) The PUD will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.
- (7) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant demonstrates that the services and facilities will be available prior to need. Demonstration of future availability requires evidence of at least one of the following:
  - (a) Prior written commitment of public funds by the appropriate public agencies.
  - (b) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
  - (c) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.
- (8) Residents of the PUD will have sufficient usable recreation area and open space that is convenient and safely accessible.
- (9) Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards or as modified according to subsection (10) below.
- (10) The PUD complies with all of the following:
  - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
    - 1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
    - 2. The /WQ Management Area.
  - (b) EC 9.6500 through EC 9.6505 Public Improvement Standards.
  - (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
  - (d) EC 9.6710 Geological and Geotechnical Analysis.
  - (e) EC 9.6730 Pedestrian Circulation On-Site.
  - (f) EC 9.6735 Public Access Required.
  - (g) EC 9.6750 Special Setback Standards.
  - (h) EC 9.6775 Underground Utilities.
  - (i) EC 9.6780 Vision Clearance Area.

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- (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
- (k) All other applicable development standards for features explicitly included in the application except where the applicant has shown that a proposed noncompliance is consistent with the purposes set out in EC 9.8300 Purpose of Planned Unit Development.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (11) The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, stormwater runoff and environmental quality.
- (12) The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.
- (13) If the tentative PUD application proposes a land division, nothing in the approval of the tentative application exempts future land divisions from compliance with state or local surveying requirements.
- (14) If the proposed PUD is located within a special area zone, the applicant shall demonstrate that the proposal is consistent with the purpose(s) of the special area zone.
- (15) For property with the /SR Site Review Overlay Zone, the PUD complies with any additional site-specific criteria that were specified at the time the /SR designation was applied to the property.

*(Section 9.8320, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20266, enacted November 12, 2002, effective December 12, 2002; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

**9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing.** The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
- (2) The proposed land uses and densities within the PUD are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.
- (3) The PUD provides a buffer area between the proposed development and surrounding properties by providing at least a 30 foot wide landscape area along the perimeter of the PUD according to EC 9.6210(7).
- (4) For areas not included on the city's acknowledged Goal 5 inventory, the PUD preserves existing natural resources by compliance with all of the following:
  - (a) The provisions of EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards, (not subject to modifications set forth in subsection (11) below).
  - (b) Natural resource areas designated on the Metro Plan diagram as

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- “Natural Resource” are protected.
- (5) There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.
  - (6) The PUD provides safe and adequate transportation systems through compliance with all of the following:
    - (a) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).
    - (b) Provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
    - (c) The street layout of the proposed PUD shall disperse motor vehicle traffic onto more than one public local street when the PUD exceeds 19 lots or when the sum of proposed PUD lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.
  - (7) The PUD complies with all of the following:
    - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
      - 1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
      - 2. The /WQ Management Area.
    - (b) EC 9.6500 through 9.6505 Public Improvement Standards.
    - (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
    - (d) EC 9.6710(6) Geological and Geotechnical Analysis.
    - (e) EC 9.6730 Pedestrian Circulation On-Site.
    - (f) EC 9.6735 Public Access Required.
    - (g) EC 9.6750 Special Setback Standards.
    - (h) EC 9.6775 Underground Utilities.
    - (i) EC 9.6780 Vision Clearance Area.
    - (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
  - (8) The applicant has demonstrated that wastewater service, transportation service, stormwater service, water service, and electrical service will be provided to the site prior to the need for those facilities and services. Where the facility or service is not already serving the site, this demonstration requires evidence of at least one of the following:
    - (a) Prior written commitment of public funds by the appropriate public

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- agencies.
- (b) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
  - (c) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.
- (9) All proposed dwellings within the PUD are within 1/4 mile radius (measured from any point along the perimeter of the development site) of an accessible recreation area or open space that is at least 1 acre in size and will be available to residents.
- (10) Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards (these standards may be modified as set forth in subsection (11) below).
- (11) The PUD complies with all applicable development standards explicitly addressed in the application except where the applicant has shown that a modification is consistent with the purposes as set out in EC 9.8300 Purpose of Planned Unit Development.
- (12) For any PUD located within or partially within the boundaries of the South Hills Study, the following additional approval criteria apply:
- (a) No development shall occur on land above an elevation of 900 feet except that one dwelling may be built on any lot in existence as of August 1, 2001.
  - (b) Development shall be setback at least 300 feet from the ridgeline unless there is a determination by the city manager that the area is not needed as a connection to the city's ridgeline trail system. For purposes of this section, the ridgeline trail shall be considered as the line indicated as being the urban growth boundary within the South Hills Study plan area.
  - (c) Development shall cluster buildings in an arrangement that results in at least 40% of the development site being retained in 3 or fewer contiguous common open space areas. For purposes of this section, the term contiguous open space means open space that is uninterrupted by buildings, structures, streets, or other improvements.
  - (d) Residential density is limited as follows:
    - 1. In the area west of Friendly Street, the maximum level of new development per gross acre shall be 8 units per acre.
    - 2. In the area east of Friendly Street, the maximum level of new development per gross acre shall be limited to 5 units per acre.
    - 3. Housing developed as Controlled Income and Rent Housing shall be exempt from the density limitations in subsections 1 and 2 above, but are subject to the other applicable development standards and review procedures.

*(Section 9.8325, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; administratively corrected April 18, 2003; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; administratively corrected August 13, 2003; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

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**9.8330** **Site Alteration.** Unless specifically permitted by the hearings official, vegetation, topography, and other natural features of areas proposed for a PUD shall not be substantially altered until final PUD approval, and then only as authorized by the final PUD approval. "Substantially altered" includes, but is not limited to, site grading and removal of trees or other vegetation. If a subdivision is required, site alteration shall not be permitted until after tentative subdivision approval is granted. *(Section 9.8330, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8335** **Modifications to Approved Tentative Planned Unit Development.** The applicant may apply for a modification of the approved PUD tentative plan following the Type II process. The planning director shall approve the request only if it complies with the following criteria:

- (1) The proposed modification is consistent with the conditions of the original approval.
- (2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the planning director determines that the proposed modification is not consistent with the above criteria, the proposed modification may not occur. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new tentative PUD application.

*(Section 9.8335 added by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*



## Planned Unit Development, Final Plan

**9.8350** **Purpose of Planned Unit Development, Final Plan.** The PUD process includes both a tentative and final plan. Final plan approval is required primarily to ensure that tentative plan approval conditions have been met.

*(Section 9.8350, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8355** **Applicability.** A final PUD plan is required for every approved tentative PUD, and every phase of a tentative PUD.

*(Section 9.8355, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8360** **Planned Unit Development, Final Plan Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements apply to PUD final plan applications:

- (1) Applications shall contain final maps and supplemental materials required to demonstrate compliance with tentative plan conditions of approval.
- (2) Final PUD plans may be submitted in phases, if such phases were approved as part of the tentative PUD consideration. The boundaries of each phase of the final PUD plans shall coincide with the boundaries of the phasing areas approved at the tentative plan stage. Requests to extend the time frame for a specific phase shall be subject to EC 9.7340 Expiration.
- (3) Individual phases of a PUD may not be submitted for final PUD review until the boundaries of the phases are legal lots as defined in this land use code, and documents necessary to assure permanent maintenance, at no expense to the city, of buildings, common use facilities, landscaping, open space, and outdoor living areas have been executed and recorded.
- (4) When a PUD or any phase thereof is submitted for final approval, each design team member shall provide written certification that the portion of the project in which he or she was involved continues to comply with the approved tentative plan conditions of approval.
- (5) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
  - (a) A performance bond or suitable substitute as agreed upon by the city 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 subdivision, and the petition has been accepted by the city engineer.

*(Section 9.8360, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8365** **Final Planned Unit Development Approval Criteria.** The planning director shall approve, approve with conditions, or deny a final PUD application. Approval shall include a finding that the final PUD plan conforms with the approved tentative PUD plan and all conditions attached thereto.

*(Section 9.8365, see chart at front of Chapter 9 for legislative history from 2/26/01 to 6/1/02.)*

**9.8370** **Modifications to Approved Planned Unit Development.** The applicant for the original PUD may apply for a modification of the final PUD approval following the

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Type II process. The planning director shall approve the request only if it complies with the following criteria:

- (1) The proposed modification is consistent with the conditions of the original approval.
- (2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the planning director determines that the proposed modification is not consistent with the above criteria, the proposed modification may not occur unless a new tentative PUD application is submitted based on the Type III procedural requirements. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new tentative PUD application.

*(Section 9.8370, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8375** **Final Planned Unit Development - Landscaping.** If required landscaping cannot be completed prior to occupancy, or as otherwise required as a condition of approval, the planning director may require the applicant to post a performance bond in an amount and for a time period determined by the planning director to be sufficient to assure timely completion.

*(Section 9.8375, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Property Line Adjustment

**9.8400 Purpose of Property Line Adjustment.** Sections 9.8400 through 9.8420 provide an expedited process for the review of property line adjustments. A property line adjustment is the relocation of a single boundary line or the removal of non-platted lines between two legal lots. Property line adjustments shall be considered in accordance with the Type I application procedures contained in EC 9.7100 General Overview of Type I Application Procedures.

*(Section 9.8400, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8405 Applicability of Property Line Adjustment Applications.**

- (1) A property line adjustment application is applicable to changes to the property lines of adjoining properties when all of the following exist:
  - (a) A property line proposed for removal is not platted in a partition or subdivision plat.
  - (b) A property line proposed for adjustment will not result in an increase in the number of parcels or lots.
  - (c) A property line proposed for adjustment will not create more than 2 property line adjustments to any of the boundaries of an individual lot or parcel within a calendar year. This subsection does not apply to proposed property line adjustments undertaken by or on behalf of a governmental entity that affect the ability to preserve, manage, or expand park, open space, or natural resource areas.
  - (d) The adjustment will result in less than a 200% change in the size of the lot or parcel. This subsection does not apply to proposed property line adjustments undertaken by or on behalf of a governmental entity that affect the ability to preserve, manage, or expand park, open space, or natural resource areas.
- (2) A property line adjustment application may not be utilized to effect the reconfiguration of lots or parcels which must be approved through the partition or subdivision procedure.
- (3) A property line adjustment application may not be utilized to create flag lots.

*(Section 9.8405, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8410 Property Line Adjustment Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to property line adjustment applications.

- (1) Except for parallel property line adjustments to platted lots, when the adjusted property line is a distance of even width along the common boundary, all applications shall be prepared by an Oregon licensed Land Surveyor.
- (2) Applications shall be signed by at least one of the owners of each parcel involved, and shall include a current preliminary title report issued within one year of the date the application is submitted, for each parcel.

*(Section 9.8410, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

**9.8415 Property Line Adjustment Approval Criteria.** The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the

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following criteria:

- (1) Any buildings to be retained on the properties comply with the minimum front and interior yard setbacks as defined in this land use code.
- (2) The final configuration of property lines shall not reduce an existing lot below the minimum lot standards established in this land use code or otherwise violate standards of this land use code, building codes, fire codes, and Chapter 7.
- (3) The final configuration of property lines shall not violate any previous requirements or conditions of approval imposed with a prior applicable land use decision.
- (4) Public assessments, liens, and fees with respect to the property line adjustment 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 property line adjustment.Approval of a property line adjustment does not relieve the applicant from complying with all applicable codes or statutory requirements.
- (5) Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
  - (a) The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
  - (b) The /WQ Management Area.
- (6) Within the R-1 zone in the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, property lines may only be adjusted up to 5 feet, measured perpendicularly from the current location of the property line. A Property Line Adjustment allowed under this section may be up to 10 feet if the adjustment is necessary to accommodate an encroachment that existed as of April 12, 2014.

*(Section 9.8415, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; administratively corrected March 15, 2005; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; amended by Ordinance No. 20526, enacted March 12, 2014, effective April 12, 2014.)*

### **9.8420 Post-Approval Requirements.**

- (1) Upon approval of a property line adjustment, the city shall record with Lane County a Notice of Approval for Property Line Adjustments that contains the revised legal descriptions of the two existing lots affected by the adjustment.
- (2) In accordance with state law, the owners of the property affected by the adjustment are responsible for creating and recording a deed with Lane County Deeds and Records that reflects the new location of the property line. The property owners are also responsible for submitting requests to the Lane County Department of Assessment and Taxation for transfers on the assessment roll in accordance with the approved adjustment.
- (3) The respective property owners are responsible for payment of any public liens, assessments and fees that may be required prior to recording the notice

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of approval.

- (4)** The respective property owners are responsible for meeting the statutory requirements for the survey and monumentation of the new line by an Oregon licensed surveyor.

*(Section 9.8420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Refinement Plan Amendments

**9.8421** **Purpose of Refinement Plan Amendments.** An amendment to an existing refinement plan allows changes to be made to portions of the plan without comprehensively updating the entire document. Refinement plan application requirements and criteria are designed to facilitate consideration of amendments to address changes that have occurred, such as changes in state or federal legislation, changes in the Metro Plan or other applicable local policies, or changes in circumstances that could directly influence public policy choices.

*(Section 9.8421, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8422** **Applicability.** Refinement plan amendment procedures only apply when specific changes are proposed to an existing refinement plan that covers areas only within the jurisdiction of the city. The procedures are not applicable to comprehensive updates of an entire refinement plan.

*(Section 9.8422, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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 9.7885 Application Procedures.

*(Section 9.8423, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8424** **Refinement Plan Amendment Approval Criteria.** The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

- (1)** The refinement plan amendment is consistent with all of the following:
  - (a) Statewide planning goals.
  - (b) Applicable provisions of the Metro Plan.
  - (c) Remaining portions of the refinement plan.
- (2)** The refinement plan amendment addresses one or more of the following:
  - (a) An error in the publication of the refinement plan.
  - (b) New inventory material which relates to a statewide planning goal.
  - (c) New or amended community policies.
  - (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.
  - (e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

*(Section 9.8424, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Site Review

**9.8425** **Purpose of Site Review.** Site review is used as a means to maintain or improve the character, integrity, and harmonious development of an area, address potential environmental impacts, and to provide a safe, stable, efficient, and attractive on-site environment.

*(Section 9.8425, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8430** **Applicability.** Site review provisions shall be applied when any of the following conditions exist:

- (1) Property is zoned with the /SR overlay zone and the proposal would result in either of the following:
  - (a) New development of vacant sites (excluding partitions and any development that consists only of new or expanded parking areas).
  - (b) An expansion of 20 percent or more of the total existing building square footage on the development site.
- (2) The proposed use on the property is identified as a use which requires site review under other provisions of this land use code and the proposal would result in either of the following:
  - (a) New development of vacant sites (excluding development that consists only of new or expanded parking areas).
  - (b) An expansion of 20 percent or more of the total existing building square footage on the development site.
- (3) The application proposes needed housing, as defined by State statutes. Applications proposing needed housing shall be reviewed through the Type II site review procedures utilizing the criteria at EC 9.8445 Site Review Approval Criteria - Needed Housing unless the applicant specifically request in the application that the city apply the criteria at EC 9.8440 Site Review Approval Criteria - General.

In lieu of site review, an application that falls within (1), (2), or (3) above, may obtain approval through the Planned Unit Development process. No development permit shall be issued by the city prior to approval of the site review application, or the final planned unit development application.

*(Section 9.8430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)*

**9.8435** **General Requirements.** Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:

- (1) Oregon licensed architect.
- (2) Oregon licensed civil engineer.
- (3) Oregon licensed landscape architect.
- (4) A member of the American Institute of Certified Planners.

*(Section 9.8435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8440** **Site Review Approval Criteria-General.** The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:

- (1) The site review plan's general design and character is reasonably compatible

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with surrounding properties, as it relates to building locations, bulk and height, noise, glare and odors.

- (2) Proposed lots, buildings, streets, parking lots, recreation areas, and other proposed uses are designed and sited to minimize impacts to the natural environment by addressing the following:
- (a) Protection of Natural Features.
1. For areas not included on the City's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
    - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under State or Federal law), and native plant communities.
    - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
    - c. Prominent topographic features, such as ridgelines and rock outcrops.
    - d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
    - e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.
  2. For areas included on the City's acknowledged Goal 5 inventory the applicant shall show that it has given due consideration to the preservation of attractive and distinctive historical and natural features.
- (b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:
1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
  2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
  3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
  4. Trees that provide a buffer between potentially incompatible land uses;
  5. Trees located along the perimeter of the lot(s) and within building setback areas;
  6. Trees and stands of trees located along ridgelines and within view corridors;
  7. Trees with significant habitat value;
  8. Trees adjacent to public parks, open space and streets.
  9. Trees along water features.
  10. Heritage trees.
- (c) Restoration or Replacement.
1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable



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or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:

- a. Planting of replacement trees within common areas; or
- b. Re-vegetation of slopes, ridgelines, and stream corridors; or
- c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.

To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.335 and rules adopted thereunder.

2. For areas included on the city's acknowledged Goal 5 inventory, any loss of significant natural features described in criteria (a) and (b) above shall be consistent with the acknowledged level of protection for the features.
  - (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.
  - (e) Parking. There is a need for parking in the area and the proposed parking area will provide shared parking.
- (3) The proposal provides safe and adequate transportation systems through compliance with all of the following:
  - (a) Compliance with EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
  - (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
- (4) The proposal will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.
- (5) The proposal complies with all of the following standards:
  - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
  - (b) EC 9.6500 through 9.6505 Public Improvement Standards.
  - (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
  - (d) EC 9.6710 Geological and Geotechnical Analysis.
  - (e) EC 9.6730 Pedestrian Circulation On-Site.
  - (f) EC 9.6735 Public Access Required.
  - (g) EC 9.6750 Special Setback Standards.
  - (h) EC 9.6775 Underground Utilities.
  - (i) EC 9.6780 Vision Clearance Area.
  - (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
  - (k) All other applicable development standards for features explicitly

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included in the application.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (6) The proposal complies with applicable adopted plan policies beginning at EC 9.9500.
- (7) Any additional specific factors applied at the time the /SR designation was applied.

*(Section 9.8440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; and Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

- 9.8445 Site Review Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the site review application. Unless the applicant elects to use the general criteria contained in EC 9.8440 Site Review 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 site review based on compliance with the following criteria:
- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
  - (2) For a proposal for multiple family developments, the proposal complies with the standards contained in EC 9.5500 Multiple Family Standards.
  - (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with all of the following:
    - (a) The proposal complies with EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
    - (b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource" are protected.
  - (4) The proposal complies with all of the following standards:
    - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.
    - (b) EC 9.6500 through 9.6505 Public Improvement Standards.
    - (c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
    - (d) EC 9.6710 (6) Geological and Geotechnical Analysis.
    - (e) EC 9.6730 Pedestrian Circulation On-Site.
    - (f) EC 9.6735 Public Access Required.
    - (g) EC 9.6750 Special Setback Standards.
    - (h) EC 9.6775 Underground Utilities.
    - (i) EC 9.6780 Vision Clearance Area.
    - (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
    - (k) All other applicable development standards for features explicitly included in the application.
- An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
- (5) Public improvements as required by this land use code or as a condition of

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tentative plan approval have been completed, or:

- (a) A performance bond or suitable substitute as agreed upon by the city 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 subdivision, and the petition has been accepted by the city engineer.

*(Section 9.8445, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; and Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

**9.8450** **Final Site Review Approval.** Following the issuance of the final decision approving a site review application, the applicant shall satisfy all applicable conditions. A site review plan shall not be stamped with the city's approval until all conditions of approval have been met. Once stamped by the city's approval, a site review plan is deemed to be consistent with all development standards of this land use code.

*(Section 9.8450, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8455** **Modifications to Approved Site Review Plans.** Modifications of the final approved site review plan may be requested following the Type II process. The planning director shall approve the request if it complies with the following criteria:

- (1) The proposed modification is consistent with the conditions of the original approval.
- (2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the planning director determines that the modification is not consistent with the above criteria, the proposed modification may not occur until a new site review application is submitted and reviewed based on the Type II application procedures in section 9.7200 and the requirements and criteria in sections 9.8425-9.8455. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new site review application.

*(Section 9.8455, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Standards Review

**9.8460** **Purpose of Standards Review.** The standards review process is intended to provide a way to effectively review specific types of proposed development with standards outlined in this land use code.

*(Section 9.8460, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.8465** **Applicability.** Where this land use code allows a specific use, subject to standards review, the application for review shall be considered under a Type II process, unless the subject land use application is being considered under a Type III application process. If the review requested is a part of a Type III application, the review of standards shall be considered concurrently under a Type III application process. No development permit shall be issued by the city prior to completion of the standards review.

*(Section 9.8465, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006.)*

**9.8470** **Standards Review Approval Criteria.** The decision-maker shall determine whether the application is in compliance with the standards set out in the code section that calls for standards review.

*(Section 9.8470, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.8472** **Standards Review – Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, applications for uses subject to standards review under EC 9.4780(3) or EC 9.4930(3) shall be subject to the following requirements:

- (1) Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:
  - (a) Oregon licensed architect.
  - (b) Oregon licensed civil engineer.
  - (c) Oregon licensed landscape architect.
  - (d) For applications submitted under EC 9.4780(3), a professionally trained botanist, biologist, ecologist, or geomorphologist or creek restoration specialist with a bachelor's degree in the subject field and at least 5 years of applied experience in botany, biology, ecology, geomorphology, or a closely related field, or an Oregon licensed geologist.
  - (e) For applications submitted under EC 9.4930(3), a professionally trained botanist or biologist, with sufficient training and experience in planning and design to evaluate consistency of the application with all applicable standards.
- (2) Unless waived by the planning director, if the application submitted under EC 9.4930(3) is not prepared by a professionally trained botanist or biologist, one or more of the professionals preparing the application shall have sufficient professional expertise and training in field botany or related biological sciences to evaluate consistency of the application with application standards.
- (3) The application shall include a site plan that shows sufficient detail and supporting narrative information to demonstrate compliance with applicable

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standards. Unless waived by the planning director, the site plan shall be prepared by an Oregon licensed civil engineer or Oregon licensed surveyor.

- (4) The site plan and application shall be signed by each of the professionals preparing the application, certifying that the application is true and correct to the best of his or her professional ability, and that, if applicable, the professional standards of his or her profession have been met therein.

*(Section 9.8472 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.8474** **Standards Review – Modification.** Modification of an approved standards review granted pursuant to EC 9.4780(3) or 9.4930(3) may be requested following the Type II process. The planning director shall approve the request if it complies with the following criteria:

- (1) The proposed modification is consistent with the conditions of the original approval.
- (2) The proposed modification will not result in a greater impact to the resource than permitted by the initial approval.

If the planning director determines that the modification is not consistent with the above criteria, the proposed modification may not occur until a new standards review application is submitted and reviewed based on the Type II application procedures in section 9.7200 and the requirements and criteria in sections 9.4770-9.4790 or 9.4900-9.4980. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new standards review application.

*(Section 9.8474 added by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)*

## Street Name Change

- 9.8475**     **Purpose of Street Name Changes.** Requests to rename an existing street may be generated by a variety of circumstances. In many cases, there are other existing streets in the city that have similar sounding names resulting in confusion for the postal service, emergency response services and the general public. Applications to rename a street are subject to state law that requires the planning commission to review the request and make a recommendation to the city council for final action.  
*(Section 9.8475, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 9.8480**     **Applicability.** Any existing street or highway, other than a county or state road or highway, may be renamed by the city council provided it is within six miles of the limits of the city and within the Eugene Urban Growth Boundary. Street name changes are subject to the Type IV procedural requirements beginning at EC 9.7400.  
*(Section 9.8480, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 9.8485**     **Street Name Change Approval Criteria.** The planning commission shall recommend, and the city council shall approve an application for a street name change upon determining that a proposed renaming is in the best interest of the city.  
*(Section 9.8485, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*
- 9.8490**     **General Requirements.** The city council by ordinance shall rename a street or highway in accordance with the recommendation of the planning commission, or by resolution shall reject the recommendation. A certified copy of the ordinance shall be filed for record with the county clerk or recorder, and a like copy shall be filed with the county assessor and county surveyor. The county surveyor shall enter the new names of the streets and roads as required by state law.  
*(Section 9.8490, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Subdivision, Tentative Plan

**9.8500** **Purpose of Subdivision, Tentative Plan.** Sections 9.8500 through 9.8575 governing the approval of subdivisions are established in order to accomplish the orderly development of land within the community. These regulations are intended to ensure adequate provision of public facilities and services, address potential environmental impacts, protect the public health and safety of the community and enable development to occur consistent with the Metro Plan.

*(Section 9.8500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8505** **Applicability of Subdivision, Tentative Plan Applications.** Requests to create 4 or more lots shall be subject to the subdivision provisions of this land use code under a Type II application process. 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.

*(Section 9.8505, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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:

- (1) All tentative subdivision applications shall be prepared by an Oregon licensed land surveyor and shall include a preliminary title report.
- (2) The application shall include all contiguous undeveloped or partially developed property under the same ownership as the subject property, be signed by the owner of the property, and include such related information as prescribed by the planning director.
- (3) The tentative subdivision plan application shall include a phasing plan that indicates any proposed phases for development, including the boundaries and sequencing of each phase. Phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements.
- (4) The lot proposed to be divided in the subdivision application is a legal lot.
- (5) If the proposal includes needed housing, as defined by State statutes, the written statement submitted with the subdivision application shall clearly state whether the applicant is electing to use the general approval criteria in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General instead of the approval criteria found in EC 9.8520 Subdivision, Tentative Plan Approval Criteria- Needed Housing.

*(Section 9.8510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)*

**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:

- (1) The proposed subdivision complies with the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
  - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density

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requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
  2. The /WQ Management Area;
- (b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways; and
- (c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
- (2) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto, based on the provisions of this land use code. For subdivisions involving phasing, it shall be demonstrated that each sequential phase will maintain consistency with the provisions of EC 9.8515 Tentative Subdivision Approval Criteria - General.
- (3) Any existing improvements on the proposed lots are consistent with the provisions of this land use code.
- (4) The proposed subdivision will be consistent with the property's designation in the Metro Plan and applicable adopted plan policies as reflected in the sections beginning at EC 9.9500.
- (5) The proposed subdivision will:
- (a) Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns;
  - (b) Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
  - (c) Not hamper the adequate provision of publicly owned open space for recreation needs.
- (6) The proposed subdivision provides safe, convenient, and direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient, and direct transit circulation, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.
- (7) The proposed subdivision is designed and sited such that roads, infrastructure, utilities, and future development of proposed lots will minimize impacts to the natural environment by addressing the following:
- (a) Protection of Natural Features.
    1. For areas not included on the city's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:
      - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under state or federal law), and native plant communities.
      - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).



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- c. Prominent topographic features, such as ridgelines and rock outcrops.
  - d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
  - e. Natural resource areas designated in the Metro Plan diagram as “Natural Resource” and areas identified in any city-adopted natural resource inventory.
2. For areas included on the city’s acknowledged Goal 5 inventory, the preservation of natural features shall be consistent with the acknowledged level of preservation provided for the area.
- (b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:
1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
  2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
  3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
  4. Trees that provide a buffer between potentially incompatible land uses;
  5. Trees located along the perimeter of the lot(s) and within building setback areas;
  6. Trees and stands of trees located along ridgelines and within view corridors;
  7. Trees with significant habitat value;
  8. Trees adjacent to public parks, open space and streets.
  9. Trees along water features.
  10. Heritage trees.
- (c) Restoration or Replacement.
1. For areas not included on the city’s acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
    - a. Planting of replacement trees within common areas; or
    - b. Re-vegetation of slopes, ridgelines, and stream corridors; or
    - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.
  2. For areas included on the city’s acknowledged Goal 5 inventory, any loss of natural features shall be consistent with the acknowledged level of protection provided for the resource.
- (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.

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- (8) On R-1 zoned property, if the subdivision results in a lot greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of lot lines and other details of layout that show future division of the lot may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.
- (9) As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.
- (10) The proposed subdivision complies with all of the following:
- (a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
  - (b) EC 9.6710 Geological and Geotechnical Analysis.
  - (c) EC 9.6730 Pedestrian Circulation On-Site.
  - (d) EC 9.6735 Public Access Required.
  - (e) EC 9.6750 Special Setback Standards.
  - (f) EC 9.6775 Underground Utilities.
  - (g) EC 9.6780 Vision Clearance Area.
  - (h) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
  - (i) The proposed subdivision complies with other applicable development standards for features explicitly included in the application.
- An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
- (11) The proposal complies with the Traffic Impact Analysis Review provisions of EC 9.8650 through 9.8680 where applicable.
- (12) For applications intended to implement an approved tentative or final planned unit development for the site:
- (a) The proposed subdivision is consistent with the approved planned unit development plan;
  - (b) If full compliance with a tentative subdivision criterion in this section would cause an inconsistency between the tentative subdivision plan and an approved tentative or final planned unit development for the site, the city shall require compliance with that subdivision criterion only to the extent that it can do so without creating the inconsistency.

*(Section 9.8515, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**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

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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:

- (1) The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.
- (2) The proposed land uses and densities are consistent with the land use designation(s) shown on the Metro Plan Land Use Diagram, as refined in any applicable refinement plan.
- (3) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
  - (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
    1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
    2. The /WQ Management Area.
  - (b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
  - (c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
  - (d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
  - (e) EC 9.6710(6) Geological and Geotechnical Analysis.
  - (f) EC 9.6730 Pedestrian Circulation On-Site.
  - (g) EC 9.6735 Public Access Required.
  - (h) EC 9.6750 Special Setback Standards.
  - (i) EC 9.6775 Underground Utilities.
  - (j) EC 9.6780 Vision Clearance Area.
  - (k) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

- (4) The proposed subdivision will not cause any existing improvements on proposed lots to be inconsistent with applicable standards in this land use code.
- (5) There shall be no proposed grading on portions of the development site that meet or exceed 20% slope.
- (6) The proposed subdivision provides safe and adequate transportation systems through compliance with the following:
  - (a) Provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used

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by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

- (b) The street layout of the proposed subdivision shall disperse motor vehicle traffic onto more than one public local street when the subdivision exceeds 19 lots or when the sum of proposed subdivision lots and the existing lots utilizing a local street as the single means of ingress and egress exceeds 19.
- (7)** For areas not included on the city's acknowledged Goal 5 inventory, the subdivision will preserve existing natural resources by compliance with all of the following:
- (a) The proposal complies with EC 9.6880 through EC 9.6885 Tree Preservation and Removal Standards.
  - (b) Natural resource areas designated on the Metro Plan diagram as "Natural Resource."
- (8)** On R-1 zoned property, if the subdivision results in a lot greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of lot lines and other details of layout that show future division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. Any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.
- (9)** The subdivision complies with development standards explicitly addressed in the application or is granted adjustments thereto pursuant to the provisions beginning at EC 9.8015 of this land use code.
- (10)** Where all or a portion of a development site is within the South Hills Study and above 700 feet in elevation, the proposed development shall have received initial approval through the Planned Unit Development process. Where all or a portion of the development site is within the South Hills Study and is between 500 feet and 701 feet, and the development site is at least 4 acres with areas of the development site containing slopes that exceed 20%, the proposal shall have received initial approval through the Planned Unit Development process.

*(Section 9.8520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20297, enacted August 11, 2003, effective September 10, 2003; administratively corrected March 15, 2005; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)*

## Subdivision, Final Plat

**9.8550** **Purpose of Subdivision, Final Plat.** Sections 9.8550 through 9.8575 establish the procedures for processing subdivision final plat applications in a manner that ensures adequate provision of public facilities and services, protects the public health and safety of the community and enables development to occur consistent with tentative subdivision approval and applicable provisions of the Metro Plan.  
(Section 9.8550, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.8555** **Applicability of Subdivision, Final Plat Applications.** A subdivision final plat application follows a Type I process. Applications for final plat approval cannot be submitted unless the subject property received tentative plan approval and any approval conditions required prior to submittal of the final plat have been met.  
(Section 9.8555, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009.)

**9.8560** **Subdivision, Final Plat Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, subdivision 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 plat approval and state and local platting requirements.

(Section 9.8560, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.8565** **Subdivision, Final Plat Approval Criteria.** The planning director shall approve or deny the subdivision final plat. 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) Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation.
- (2) Public improvements as required by this land use code or as a condition of tentative plan approval have been completed, or:
  - (a) A performance bond or suitable substitute as agreed upon by the city 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 subdivision, and the petition has been accepted by the city engineer.
- (3) Conservation areas, including natural resource buffers and tree preservation areas, have been designated as required by this land use code or as a condition of tentative approval; and a performance bond, or suitable substitute as agreed upon by the city has been filed with the city finance officer in an amount sufficient to assure the implementation of any natural resource protection or restoration requirements of the tentative subdivision approval.
- (4) Public assessments, liens, and fees with respect to the subdivision have been paid, or a guarantee acceptable to the city manager has been provided assuring the liens, assessments, and fees will be paid prior to recordation.
- (5) All conditions of tentative approval have been met and the final plat

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substantially conforms with the provisions of the approved tentative plan.

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

*(Section 9.8565, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

- 9.8570** **Subdivision, Final Plat Recordation.** The city surveyor and planning director shall note their approval of the subdivision on the subdivision's 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 subdivision's final plat to Lane County for signatures and recording.

*(Section 9.8570, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

- 9.8575** **Special Platting Standards.** In addition to the partition and subdivision requirements contained in this land use code, the following specific platting standards may also apply to partition and subdivision applications that include lots or parcels designated as conservation parcels and lots or parcels located adjacent to a railroad right-of-way:

- (1) **Conservation Land Divisions.** Conservation land divisions are intended to facilitate the sale or donation of valuable natural resource areas to public or non-profit agencies for long-term protection and management by dividing conservation areas and remaining areas into separate parcels.

- (a) Conservation parcels are those set aside and managed to conserve natural resource values including the following:

1. Wildlife habitat.
2. Ecological significance.
3. Rare or endangered species.
4. Water quality.
5. Flood storage and control.

Conservation parcels are primarily undeveloped and natural, and shall have no minimum standards for lot area, frontage, width or depth.

- (b) Remainder parcels are those parcels that are not being protected for natural resource values. Remainder parcels may be developed, partly developed, or undeveloped. The planning director may authorize exceptions to the minimum platting standards for lot area, lot frontage, lot width, and lot depth for remainder parcels provided the following standards are met:

1. At least one of the lots created must be a conservation parcel and must be rezoned to NR Natural Resource zone prior to or concurrent with land division.
2. The number of remainder parcels created must be the least number that will accomplish the purpose of the conservation land division.
3. Exceptions to minimum lot and parcel platting standards will not be allowed on residentially zoned remainder parcels.
4. Exceptions to minimum lot and parcel platting standards for remainder parcels in agricultural, commercial and employment and industrial zones will be no more than the minimum needed to accomplish the purpose of the conservation land division.

- (c) The city shall keep records of approved remainder parcels to ensure

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that zoning reviews on future development permit applications are consistent with that approval.

### (2) **Platting Standards-Railroads.**

- (a) In accordance with the purpose of EC 9.8400 Purpose of Property Line Adjustments, special requirements may be imposed by the planning director in connection with railroad crossings including, but not limited to, provisions for separation of street and railroad grades, if necessary for the safety of the residents of the partition or subdivision and of the general public.
- (b) Where the partition or subdivision is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate the property will be used for employment and industrial purposes, all streets shall be located at a sufficient distance from the right-of-way to allow for reasonable sites for employment and industrial use adjacent to the right-of-way.

*(Section 9.8575, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

**9.8580** **Modifications to Approved Subdivision Performance Agreement.** The applicant may apply for a modification of the approved subdivision performance agreement following the Type II process. The planning director shall approve the request only if it complies with the following criteria:

- (1) The proposed modification is consistent with the conditions of the original approval.
- (2) The proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If the planning director determines that the proposed modification is not consistent with the above criteria, the proposed modification may not occur. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new subdivision tentative plan application.

*(Section 9.8580 added by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)*

## Temporary Manufactured Dwelling Hardship Permits

**9.8600** **Purpose of Temporary Manufactured Dwelling Hardship Permits.** Sections 9.8600 through 9.8615 regulate the provision of temporary housing to address medical needs. These regulations are intended to ensure adequate provisions exist to accommodate small scale temporary housing on individual lots in low-density areas.

*(Section 9.8600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8605** **Applicability.** Requests for temporary manufactured dwelling hardship permits shall be subject to these provisions.

*(Section 9.8605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8610** **Temporary Manufactured Dwelling Hardship Permits General Requirements.**

All applications for a temporary manufactured dwelling hardship permit shall be processed under a Type I procedure and shall be submitted in the manner and on a form approved by the city manager.

*(Section 9.8610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8615** **Temporary Manufactured Dwelling Hardship Permit Approval Criteria.** A temporary manufactured dwelling hardship permit shall be granted if all of the following are met:

- (1) A written communication is submitted to the city from a physician, therapist, or other professional counselor establishing that the person on whose behalf the temporary manufactured dwelling hardship permit is sought is suffering either a physical or mental impairment, infirmity, or is otherwise disabled and must be near a designated care giver in order to receive adequate care.
- (2) The lot on which the temporary manufactured dwelling would be placed must be zoned R-1.
- (3) An on-site parking space in addition to that required for the primary dwelling unit must be provided if the resident of the temporary manufactured dwelling owns or operates a vehicle.
- (4) The temporary manufactured dwelling is limited to a single-wide manufactured dwelling with no more than two bedrooms.
- (5) The temporary manufactured dwelling must be set back a minimum of 10 feet from the primary dwelling and all interior property lines.
- (6) The temporary manufactured dwelling must be located to the rear of the primary dwelling unit (except on corner lots).
- (7) A pedestrian and vehicular access drive to the temporary manufactured dwelling (capable of supporting the weight of emergency vehicles) shall be maintained for the purposes of emergency access and future removal of the manufactured dwelling.
- (8) The placement of the temporary manufactured dwelling shall not require a permanent foundation, filling, or grading.
- (9) The temporary manufactured dwelling must be screened from abutting properties with a 75 percent opaque site-obscuring fence, wall, or vegetation 6 feet in height. This requirement can be met by existing or new materials.
- (10) The temporary manufactured dwelling must be equipped with skirting that in design, color, and texture appears to be an integral part of the adjacent



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exterior wall of the manufactured dwelling.

- (11)** The temporary manufactured dwelling must be connected to an on-site sewer system serving an existing dwelling on the same lot.
- (12)** Construction and installation of plumbing, gas, piping, electrical equipment, wiring, tie-downs, over-the-top ties, and skirting must comply with all applicable federal, state and local rules and regulations.
- (13)** Temporary manufactured dwellings must comply with the solar access setback standards with respect to structures on adjacent lots.
- (14)** The temporary manufactured dwelling must comply with all applicable federal, state, and local special flood hazard area rules and regulations.
- (15)** Within 60 days of the date that the hardship for which a temporary manufactured dwelling hardship permit has been issued ceases, the temporary manufactured dwelling must be disconnected from the sewer system and all utilities, and removed from the lot.
- (16)** The temporary manufactured dwelling must be a manufactured home or a mobile home as defined in section 9.0500.

*(Section 9.8615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Traffic Impact Analysis Review

**9.8650** **Purpose of Traffic Impact Analysis Review.** The purpose of Traffic Impact Analysis Review is to ensure that developments which will generate a significant amount of traffic, cause an increase in traffic that will contribute to traffic problems in the area, or result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards provide the facilities necessary to accommodate the traffic impact of the proposed development. In addition, any Traffic Impact Analysis Review addressing streets in the jurisdiction of Lane County is also designed to ensure that cross sectional elements of streets, such as the wearing coarse or pavement, base material, soils, or storm water structures (bridges or culverts) have the adequate capacity to accommodate developments that utilize vehicles of heavy weight and associated vehicle traffic as part of their activity.

*(Section 9.8650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8670** **Applicability.** Traffic Impact Analysis Review is required when one of the conditions in subsections (1) – (4) of this section exist unless the development is within an area (a) shown on Map 9.8670 Downtown Traffic Impact Analysis Exempt Area, or (b) subject to a prior approved Traffic Impact Analysis and is consistent with the impacts analyzed.

- (1)** The development will generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.
- (2)** The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city's traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.
- (3)** The city has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards.
- (4)** For development sites that abut a street in the jurisdiction of Lane County, a Traffic Impact Analysis Review is required if the proposed development will generate or receive traffic by vehicles of heavy weight in their daily operations.

For purposes of EC 9.8650 through EC 9.8680, "daily operations" does not include routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service. "Daily operations" does include, but is not limited to, delivery (to or from the site) of materials or products processed or sold by the business occupying the site. For purposes of EC 9.8650 through EC 9.8680, "heavy vehicles" are defined as a single vehicle or vehicle combination greater than 26,000 pounds gross vehicle weight or combined gross vehicle weight respectively.

*(Section 9.8670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; amended by Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013.)*

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**9.8675** **General Application Requirements.** An application for Traffic Impact Analysis Review shall contain each of the items required by the “Standards for Traffic Impact Analyses” available from the city. An exception to any or all of the report content requirements listed in the “Standards for Traffic Impact Analyses” for development that generate less than 100 trips in any peak hour may be granted if the applicant demonstrates that the study is not necessary in order to demonstrate compliance with EC 9.8680.

*(Section 9.8675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010.)*

**9.8680** **Approval Criteria.** The planning director shall approve, conditionally approve, or deny an application for Traffic Impact Analysis Review following a Type II process, or as part of a Type III process when in conjunction with a CUP or PUD. Approval or conditional approval shall be based on compliance with the following criteria:

- (1)** Traffic control devices and public or private improvements as necessary to achieve the purposes listed in this section will be implemented. These improvements may include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, driveway location, and street lighting.
- (2)** Public improvements shall be designed and constructed to the standards specified in EC 9.6505 Improvements - Specifications. The requirement of improvements based on a traffic impact analysis does not negate the ability of the city traffic engineer to require improvements by other means specified in this code or rules or regulations adopted thereunder.
- (3)** In addition to the above criteria, if the Traffic Impact Analysis Review was required based on EC 9.8670(4), the improvements shall also address the structural capacity of the street in the County’s jurisdiction and address identified structural deficiencies, or reduction in the useful life of existing street structures related to the proposed development. Improvements may be needed to eliminate the identified structural deficiencies and to accommodate vehicle impacts to structures.
- (4)** In addition to the above criteria, if the development is located within the S-WS Walnut Station Special Area Zone, any increased traffic the development would generate on streets within the Fairmount neighborhood to the south of the Walnut Station Special Area Zone shall be mitigated through the use of traffic calming strategies or other mechanisms designed to discourage such traffic.

*(Section 9.8680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20457, enacted March 8, 2010, effective April 10, 2010; and Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

## Vacations

**9.8700** **Purpose of Vacations.** In order to ensure the orderly development of land, public ways in the form of streets, roads, alleys, rights-of-way, pedestrian and/or bicycle easements and accessways, or utility easements are established, obtained, or reserved by the city. As land develops, and as land uses change over time, public ways may no longer be necessary for ensuring the orderly development of land. This land use code and state law provide procedures, requirements, and criteria for vacating public ways. The vacation process includes a review of the need for public ways and the manner in which to dispense with public ways. In addition, sections 9.8700 through 9.8725 of this land use code provide a process for the vacation of undeveloped subdivision and partition plats or parts thereof.

*(Section 9.8700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective June 1, 2006.)*

**9.8705** **Applicability of Vacation Procedures.**

- (1) The vacation process applies to recorded undeveloped subdivision and partition plats and to public ways and public easements under the jurisdiction of the city.
- (2) The city's vacation process does not apply to lands over which Lane County or the state have jurisdiction such as unannexed plats or public ways within the Urban Growth Boundary, or county roads and state highways within the corporate limits of the city where jurisdiction has not been transferred to the city.
- (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 9.7885 Application Procedures.

*(Section 9.8705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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 9.7885 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 9.7885 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.
- (3) Vacation of any public way acquired with public funds, vacation of improved public right-of-way, and vacation of undeveloped subdivision and partition plats, or parts thereof, including public right-of-way and improved public easements located therein, shall be considered and decided upon by the city council in accordance with the procedures contained in EC 9.7445 through 9.7455 and the approval criteria contained in EC 9.8725.
- (4) All applications shall be accompanied by the application fee established by the

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- city manager pursuant to Chapter 2 of this code, and an additional amount sufficient to pay the expenses related to publication of the vacation notice.
- (5) In addition to payment of the application and publication fees referenced in subsection (4) above, a vacation of improved or unimproved public right-of-way, any public way acquired with public funds, or any undeveloped subdivision or partition plat, or portions thereof, shall require the payment by the applicant of a deposit equal to the assessment of special benefit that results from the vacation and disposition of property to the benefitted property owners.
- (a) The assessed value of special benefit and the amount of money to be deposited shall be determined by the city manager. The assessed value of special benefit shall include:
1. The value of the real property; and
  2. The costs incurred by the city in the construction of public improvements.
- (b) Notice of the proposed assessment for benefits shall be given by mail to the owners of the property to be assessed no less than 20 days prior to the public hearing of the vacation application before the city council, or in the case of Type II applications, 10 days prior to the issuance of the Planning Director's decision. The notice shall contain a statement of the names, addresses, and the amount of the proposed assessment of each land owner's special benefit by the vacation. Where a public hearing is required, the notice shall also include the hour, date, and place of the public hearing at which the city council will hear objections to the vacation or assessment.
- (c) At least 5 working days prior to the public hearing, or in the case of a Type II application, 5 working days prior to the decision, the land owner shall deposit with the city the sum of money called for by this subsection (5).
- (d) If the vacation application is approved, the deposit shall be retained by the city. If the vacation application is denied, the deposit shall be returned to the land owner.
- (6) For vacations of improved or unimproved right-of-way, the application must include the required consent from surrounding property owners as set forth in ORS 271.080(2).
- (7) For vacations of unimproved public easements and improved public easements, the application must include the signatures of all property owners and owners of property adjacent to the easement being vacated.

*(Section 9.8710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective June 1, 2006.)*

**9.8715 Approval Criteria for the Vacation of an Unimproved Easement.** The planning director shall approve, approve with conditions, or deny the vacation application. Approval or approval with conditions shall be based on all of the following.

- (1) The subject area is not presently or in the future needed for public services, facilities, or utilities, and the vacation does not prevent the extension of, or the retention of public services, facilities, or utilities; or if needed, the applicant shall provide for the replacement and abandonment of any existing public services, facilities or utilities in the subject area.
- (2) Such public services, facilities, or utilities can be extended in an orderly and

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efficient manner in an alternate location.

*(Section 9.8715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective June 1, 2006.)*

- 9.8720** **Approval Criteria for Vacation of Improved Easements, Unimproved Public Right-of-Way, and Vacation and Rededication of Unimproved Public Right-of-Way.** The planning director shall approve, approve with conditions, or deny the vacation application. The application shall be approved if the vacation is found to be consistent with the all of the following criteria:
- (1)** The subject area is not presently or in the future needed for public services, facilities, or utilities, and the vacation does not prevent the extension of, or the retention of public services, facilities, or utilities; or if needed, the applicant shall provide for the replacement and abandonment of any existing public services, facilities, or utilities in the subject area.
  - (2)** Such public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location.
  - (3)** The vacation does not impede the future best use of the remainder of the property under the same ownership or any adjoining land; or adversely affect the development of the remainder land, or any adjoining land, or access thereto; and the vacation does not conflict with provisions of this land use code including the street connectivity standards and block lengths.
  - (4)** Payment of the special benefit assessment(s) resulting from the vacation of unimproved right-of-way required by EC 9.8710(5)(a), have been made to the city.

*(Section 9.8720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20353, enacted November 28, 2005, effective June 1, 2006.)*

- 9.8725** **Approval Criteria for the Vacation of Improved Public Right-of-Way, Public Ways Acquired with Public Funds, and Undeveloped Subdivision and Partition Plats.** The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.

*(Section 9.8725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Variances

**9.8750** **Purpose of Variances.** The provisions of EC 9.5750(9), 9.6708, and 9.8750 through 9.8760 allow for partial or full exemption from specific land use code standards only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of those regulations would deny the property owner uses enjoyed by other property owners in the vicinity and under identical zones. Any variance granted shall be subject to conditions that ensure the variance does not constitute a granting of special uses inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The city shall not grant variances which allow uses not on the applicable list of allowed uses specified in EC 9.2000 through 9.3915 of this land use code.

*(Section 9.8750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8755** **Applicability.** Unless specified otherwise in another land use code section, the planning director may grant variances only to the standards prescribed in:

- (1) EC 9.2000 to 9.3915 for the following:
  - (a) Building Height.
  - (b) Fences and Walls.
  - (c) Front Yard Setbacks.
  - (d) Interior Yard Setbacks.
- (2) EC 9.6410 Motor Vehicle Parking Standards.
- (3) EC 9.6600 to 9.6680 Sign Standards.
- (4) EC 9.6745 Setbacks - Intrusions Permitted.

*(Section 9.8755, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8760** **Approval Criteria for Variances.** The planning director shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon following a Type II process. Approval, or conditional approval shall be based on compliance with all the following criteria:

- (1) A strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship due to at least one of the following conditions:
  - (a) Size, shape, or dimensions of a site.
  - (b) Geographic, topographic, or other physical conditions on the site or in the immediate vicinity.
  - (c) Street locations or traffic conditions in the immediate vicinity.Economic considerations do not constitute grounds for granting a variance.
- (2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zone.
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (4) In addition to the above criteria, the following 3 criteria apply to variances from code sections that apply to EC 9.6410 Motor Vehicle Parking Standards, and from EC 9.2000 to 9.3915 base zone regulations as applied to fences and walls.

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- (a) Neither present nor anticipated future traffic volumes generated by the use of the site or uses of the sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
  - (b) The granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
  - (c) The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this land use code.
- (5)** In addition to the criteria set forth in subsections (2), (3) and (4) of this section, the following criterion applies to variances from the provisions of EC 9.6600 to 9.6680 Sign Standards:
- (a) Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or undue physical hardship inconsistent with the objectives of EC 9.6600 to 9.6680 Sign Standards. A practical difficulty or undue hardship may result from the location of existing structures on the site or in the immediate vicinity. The planning director may not grant variances based on the convenience of the applicant, including any hardship of regional or national businesses which wish to use a standard sign when those standard signs do not conform to the provisions of the sign code.

*(Section 9.8760, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*



## Willamette Greenway Permits

**9.8800** **Purpose of Willamette Greenway Permits.** Intensification of uses, changes in use, or developments require special consideration before being permitted within the boundaries of the Willamette River Greenway. Special consideration is required to implement Oregon Statewide Planning Goal 15, Willamette River Greenway which is designed to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. Urban uses may be allowed but conditions of approval may be imposed as are deemed necessary to carry out the purpose and intent of the Willamette River Greenway, and to insure that any intensification of uses, changes in use, or developments within the Willamette Greenway boundaries are compatible with nearby uses within the Willamette Greenway.

*(Section 9.8800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8805** **Applicability.** Willamette Greenway permit applications are required for intensification of uses, changes in use, or developments within the boundaries of the Willamette River Greenway according to Resolution No. 2592 Adopting a Willamette River Greenway Boundary. Willamette Greenway permit procedures may apply to Site Review applications when site review approval is required in addition to Willamette Greenway permit approval. No development permit shall be issued by the city prior to approval of the Willamette River Greenway permit.

*(Section 9.8805, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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 9.7885 Application Procedures unless considered concurrently with a Type IV or Type V application.
- (2) No development permit shall be issued by the city when a Willamette Greenway permit is required for the proposed development until the Willamette Greenway permit has been approved. Development permits shall be consistent with the terms and conditions of that Willamette Greenway permit.

*(Section 9.8810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

**9.8815** **Willamette Greenway Permit Approval Criteria and Standards.** Willamette Greenway permit approval may be granted only if the proposal conforms to all the criteria in subsections (1) through (4), and the applicable standards of subsection (5) as follows:

- (1) To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.
- (2) To the greatest possible degree, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.
- (3) The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.
- (4) In areas subject to the Willakenzie Area Plan, the intensification, change of use, or development will conform with that plan's use management

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considerations.

- (5) In areas not covered by subsection (4) of this section, the intensification, change of use, or development shall conform with the following applicable standards:
- (a) Establishment of adequate setback lines to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. Setback lines need not apply to water related or water dependent activities as defined in the Oregon Statewide Planning Goals and Guidelines (OAR 660-15-000 et seq.).
  - (b) Protection of significant fish and wildlife habitats as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper. Sites subsequently determined to be significant by the Oregon Department of Fish and Wildlife shall also be protected.
  - (c) Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.
  - (d) Preservation of scenic qualities and viewpoints as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper.
  - (e) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable.
  - (f) Compatibility of aggregate extraction with the purposes of the Willamette River Greenway and when economically feasible, applicable sections of state law pertaining to Reclamation of Mining Lands (ORS Chapter 517) and Removal of Material; Filling (ORS Chapter 541) designed to minimize adverse effects to water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.
  - (g) Compatibility with recreational lands currently devoted to metropolitan recreational needs, used for parks or open space and owned and controlled by a general purpose government and regulation of such lands so that their use will not interfere with adjacent uses.

As used in this section, the words "the greatest possible degree" are drawn from Oregon Statewide Planning Goal 15 (F.3.b.) and are intended to require a balancing of factors so that each of the identified Willamette Greenway criteria is met to the greatest extent possible without precluding the requested use.

- (6) When site review approval is required, the proposed development will be consistent with the applicable site review criteria.
- (7) The proposal complies with all applicable standards explicitly addressed in the application. An approved adjustment to a standard pursuant to provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

*(Section 9.8815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8825** **Modifications to a Willamette Greenway Permit.** After the effective date of approval of final plans, modifications to the approved final plans may be considered in accordance with the Type II Application Procedures contained in EC 9.7000 Application Procedures. The planning director shall decide whether to grant the requested modification based on the following criteria:

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- (1) The modification will be consistent with the conditions of the original approval; and
- (2) The modification will result in insignificant changes in the physical appearance of the development, the use of the site, and impact on the surrounding properties.

If determined to be consistent with the above criteria, the planning director shall approve the request. The applicant retains the ability to submit the requested modification as a new Willamette Greenway permit application based on the Type III procedural requirements. Nothing in this land use code shall preclude the applicant from initially submitting the requested modification as a new Willamette Greenway permit application.

*(Section 9.8825, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## Zone Change

**9.8850** **Purpose of Zone Changes.** As the Metro Plan is implemented over the years, there will be a need for changes in zoning. As that plan is reviewed and periodically revised, other zone changes may be warranted.

*(Section 9.8850, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.8855** **Applicability.** Changes in zoning, including the application of or change of an overlay zone or special area zone shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures, with the following exceptions:

- (1) The proposed zone change would apply the /ND Nodal Development Overlay Zone, in which case the zone change shall be processed as described in EC 9.4260.
- (2) The proposed zone change involves an annexation request that qualifies for an automatic change in zoning, as provided in EC 9.7810 Changes in Zoning.
- (3) The proposed zone change involves a concurrent amendment to the Metro Plan or a refinement plan, or the adoption of a new refinement plan; in which case the zone change shall be processed as a Type IV or Type V application as provided in EC 9.7400 through EC 9.7455 Type IV Application Procedures and EC 9.7500 through 9.7560 Type V Application Procedures.
- (4) The proposed zone change is processed concurrently with an amendment to this land use code; in which case, the zone change shall be processed as a Type V application as provided for in EC 9.7500 through EC 9.7560 Type V Application Procedures.
- (5) The proposed zone change is to remove the /WR Water Resources Conservation Overlay Zone, in which case the zone change shall be processed as described in EC 9.4960.
- (6) The proposed zone change is to remove the /WQ Water Quality Overlay Zone, in which case the zone change shall be processed as described in EC 9.4786.

*(Section 9.8855, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009.)*

**9.8860 General Requirements.**

- (1) **Concurrent Review.** Zone change applications may be reviewed concurrently with certain other land use applications, but only as provided in EC 9.8005 Applicability and Effect of Application Requirements, Criteria, and Concurrent Review and in EC 9.8855 Applicability.
- (2) **Overlay Zones.** EC 9.1040 Establishment and List of Overlay Zones establishes overlay zones that supplement the base zone regulations. Changes in zoning can include the designation of an overlay zone in addition to the base zone. While some of these overlay zones have been applied to a specific geographic area through a land use code amendment, other overlay zones are applied on a case by case basis. In these cases, the overlay zone can be applied in response to adopted plan policies or where the use of the overlay zone is necessary to address future development considerations.

*(Section 9.8860, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**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:

- (1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.
- (2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.
- (3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.
- (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.

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- (q) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
  - (r) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
  - (s) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).
  - (t) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).
  - (u) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
  - (v) 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.
- (5)** In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.

*(Section 9.8865, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003; administratively corrected June 5, 2003; amended by Ordinance No. 20312, enacted March 8, 2004, effective April 7, 2004; Ordinance No. 20330, enacted December 2, 2004, effective January 1, 2005; administratively corrected March 10, 2005; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20355, enacted December 12, 2005, effective January 13, 2006; Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; Ordinance No. 20449, enacted December 14, 2009, effective January 16, 2010; Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)*

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## **Adopted Plan Policies**

**9.9500** **Adopted Plan Policies.** The adopted plan policies set forth in the sections beginning at EC 9.9500 shall be used when applicable for purposes of evaluating applicable adopted plan policies pertaining to subdivisions, partitions, and site review.

*(Section 9.9500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

**9.9510** **Bethel-Danebo Refinement Plan Policies.**

**(1) Bethel-Danebo Refinement Plan (1982).**

(a) Land use, Royal Avenue Specific Plan Area.

1. Construction of proposed drainage corridors identified in the Plan shall be delayed until new development in the planning area creates a need for the drainage system. New development is defined, for the purpose of this policy, as final approval of any new subdivision or planned unit development within the Royal Avenue planning area; or final approval of an annexation request for land designated in the Royal Avenue Specific Plan for Main Street Commercial, Commercial Mixed-Use, Residential Mixed-Use or Medium-Density Residential development. The drainage corridor will be constructed in one or two increments, depending on where the first development proposal is approved within the node. Approval of new development on the north side of Royal Avenue will require construction only of the northside drainage channel; approval of new development on the south side of Royal will require construction of the complete system. (Policy 2)
2. The median proposed as part of the reconstruction of Royal Avenue shall not be constructed so as to limit access to existing residences that take access off Royal Avenue. Existing homes fronting on Royal Avenue shall be allowed to maintain access onto Royal Avenue until such time as those properties are redeveloped. Redevelopment, for the purpose of this policy, is defined as final approval of a land partition or of any new subdivision or planned unit development which includes land abutting Royal Avenue; or final approval of an annexation request for land designated in the Royal Avenue Specific Plan for Main Street Commercial, or Commercial Mixed-Use development. (Policy 5)
3. The proposed north-south drainage channel on the south side of Royal Avenue that bisects property owned by Ron Bounds (Map and Tax Lot number 17-04-20-00-01300) shall be designed so as to avoid the removal of the residential structure on that parcel. The land on which the residential structure is sited, other than land required for the construction of the drainage channel and corridor, shall retain its current zoning (AG/UL) and use allowances until the property is annexed to the City of Eugene and rezoned consistent with the Royal Avenue Specific Plan. Annexation and rezoning shall be initiated completely at the discretion of the property owner. (Policy 6)

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4. With the exception of the future extension of Roosevelt Boulevard and the reconstruction of Royal Avenue, the City shall not require the construction of any street or alley depicted on the Royal Avenue Land Use diagram until the property on which that street or alley is shown is annexed to the City and approved for new development. New development is defined, for the purpose of this policy, the same as that of Policy #2. (Policy 9)
- (b) Land use, Bethel-Triangle Neighborhood. Highest priority shall be given to preserving housing in the Bethel Triangle area. It shall be recognized that it is an irreplaceable resource. Support for its continued viability shall be provided along the following guidelines:
  1. Efforts should be made to upgrade the public facilities and services (sanitary sewers, storm sewers, streets, street lighting) in the area. Particular attention should be given to street conditions and the need for improving Trainsong Park.
  2. Efforts to upgrade public facilities and services should consider alternatives to full assessments where hardships can be established. (Policy 1)
- (c) Urban Services and the Urban Growth Boundary, Parks.
  1. Landscape buffer shall be provided in conjunction with new public improvements, such as highways, freeways, power substations, etc. (Policy 6)
  2. Landscape buffer should be provided along existing highways and freeways. (Policy 7)
- (d) Transportation, Streets.
  1. In newly developing portions of Bethel-Danebo, street network design should ensure that through traffic movements are adequately served by higher level streets (i.e., arterials and collectors) and that local traffic alone is encouraged to use the local streets, thereby enhancing the local character of the streets in residential areas. (Policy 1)
  2. When high traffic generators are located on higher level streets, particularly in the case of location on arterials, access should be controlled wherever possible and joint access by several uses encouraged. (Policy 2)
  3. On principal and minor arterials and collectors, the predominant function of carrying through traffic should prevail and removal of on-street parking privileges should occur where the traffic-moving function requires it and right-of-way is inadequate to accommodate both functions. (Policy 3)
  4. Where vacant parcels contain frontage on other than a local street (i.e., on an arterial or collector), development of the parcel should include provision for controlled access onto the higher level street, or, where possible, from an adjacent local street. (Policy 4)
  5. On collector streets, the land access service and the traffic moving functions are somewhat balanced. In improving these streets, the decision to remove on-street parking privileges should include consideration of the degree of impact on adjacent development. (Policy 5)
  6. In the future, location of collector and local street systems and



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land use planning should be coordinated to prevent occasions where the same collector or local street serves potentially conflicting land uses. For example, the same collector should not serve both industrial and residential development, except where an intervening street intercepts industrial traffic. The same local street should never serve both industrial and residential traffic. (Policy 6) On local streets, the predominant function of land access and service should encourage the retention of on-street parking privileges. (Policy 8)

7. Land use planning in Bethel-Danebo should not allow high traffic attractor-generators to locate on local streets. (Policy 9)
  - (e) Transportation, Mass Transit. The city of Eugene should continue working with the planning staff of Lane Transit District in determining shelter locations, transfer point locations, design of shelters, and bus pullouts. (Policy 4)
  - (f) Transportation, Pedestrian Facilities. Whenever possible, development of vacant parcels in the Bethel-Danebo area should be designed with attention to providing adequate bike-pedestrian connections to schools and park sites, as well as to existing and proposed bike-pedestrian ways. (Policy 2)
- (2) Bethel-Danebo Refinement Plan (Phase II - 1979) - Policy Direction.**
- (a) While economic growth and revitalization is to be encouraged, strong emphasis should be placed on enhancing Eugene's environment and its quality of life. (Policy 1) Economic development should:
    1. Diversify the employment base; and
    2. Provide employment opportunities for existing and future residents while addressing concerns for preservation of the area's livability. (Policy 2)
  - (b) While the amount of industrial lands unused and unsuitable by reason of location outside the urban service area could appropriately be reduced, those remaining needed industrial areas are to be protected from encroachment by incompatible land use. (Policy 4)
  - (c) Sites of sufficient size for industrial expansion, parking, landscaping, and buffering need to be provided. Government action could occur in development of existing large vacant or near-vacant parcels for specialized projects requiring such land. (Policy 5)

*(Section 9.9510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20275, enacted January 13, 2003, effective February 12, 2003.)*

### **9.9515 Central Area Transportation Study (CATS) Policies.**

#### **(1) Street System.**

- (a) Promote the development of a transportation system within the downtown area that supports the goals of the Downtown Plan, enhances the livability of downtown, preserves the livability and economic vitality of areas within, and directly adjacent to, the CATS boundary, and provides for the safe and efficient movement of motor vehicles, pedestrians, bicycles, and transit vehicles. (See Appendix A, Map 2 for Proposed Street System Improvements.) (Policy 1)
- (b) Maintain or improve the operation of the street system for pedestrians, bicycles, transit and automobiles. Balance the need for bicycle lanes on

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downtown streets with the need for on-street parking and transit facilities. (Policy 2)

- (c) Use Transportation System Development Charges (SDC) to help compensate for the effect of growth on the need for alternative transportation systems. (Policy 3)

**(2) Pedestrian System.**

- (a) Improve the pedestrian system in the downtown area to encourage walking as a primary means of transportation within downtown. (See Appendix A, Map 3 for Proposed Pedestrian System Improvements.) (Policy 4)

- (b) Encourage and promote the creation of “great streets” within the downtown area that stimulate pedestrian activity while allowing for bicycles and slow-moving automobile traffic. (Policy 5)

**(3) Bicycle Facilities.** Improve the safety and efficiency of existing bikeways in the downtown area. Improve bicycle circulation within the downtown area and improve access to existing and planned routes extending outside of the downtown area. (See Appendix A, Map 4 for Proposed Bicycle Facility Improvements) (Policy 6)

**(4) Transit System.** Support a frequent transit-based shuttle service in the greater downtown area to link major employment and activity centers and to provide an attractive, energy-efficient, low or no cost, transportation alternative for those who live, work or shop within the greater downtown area. (See Appendix A, Map 5 for Transit Improvements Discussion Map.) (Policy 7)

**(5) Vehicle Parking.**

- (a) Support intensive development in the downtown area by balancing new parking supply with specific area demands and ensure an adequate supply of parking is available downtown to meet the needs of residents, workers and customers of downtown facilities. (Policy 8)

- (b) Make parking downtown convenient, affordable, safe and easy to use. (Policy 9)

**(6) Transportation Demand Management Program.** Promote walking, bicycling, carpooling, and riding the bus through employer-based programs. (Policy 10)

**(7) University of Oregon Campus Area.** Support the transportation policies contained in the 1991 University of Oregon Long range Campus Development Plan. (Policy 11)

*(Section 9.9515 created by Ordinance No. 20323, enacted May 25, 2004, effective June 24, 2004.)*

**9.9520 Comprehensive Stormwater Management Plan Policies.**

- (1)** Incorporate the beneficial functions (flood control, stormwater conveyance, water quality treatment) of natural resources into the city’s storm drainage system. (Policy 1.1)
- (2)** Maintain flood control, drainage, and water quality treatment capacities along the city’s stormwater conveyance corridors while protecting and enhancing the health, diversity and continuity for wildlife habitat, native vegetation, and endangered species. (Policy 1.2)
- (3)** Balance the operational needs of managing natural resource and wildlife habitat areas against any associated nuisance conditions that may result. (Policy 1.6)
- (4)** Evaluate the effectiveness and appropriateness of a variety of surface water

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management facilities for meeting the multiple objectives of this plan. (Policy 1.8)

- (5) Meet or exceed federal flood hazard requirements. (Policy 2.1)
- (6) Protect adjoining land uses from flood and drainage hazards. (Policy 2.2)
- (7) Maximize the capacity of existing stormwater facilities especially where deficiencies exist by encouraging the use of techniques that lower and slow the rate of stormwater runoff. (Policy 2.3)
- (8) Meet or exceed federal and state stormwater quality requirements especially where they conform with existing local policy. (Policy 3.1)
- (9) Reduce stormwater pollution associated with new construction and development, soil erosion, improper use of stormwater facilities, and city operations and maintenance practices. (Policy 3.3)
- (10) Evaluate the effectiveness of stormwater quality management measures. (Policy 3.4)
- (11) Maintain the stormwater system through techniques and practices that balance flood control, drainage services, water quality, and natural resource protection needs. (Policy 4.1)

*(Section 9.9520, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9530 Eugene Commercial Lands Study Policies.**

#### **(1) General Policies.**

- (a) Allow some flexibility to mix commercial and industrial uses where the site and public infrastructure can ensure compatibility with surrounding land uses and adequate provision of public services. (Policy 4)
- (b) Promote redevelopment of existing commercial areas and compact, dense growth by encouraging businesses to revitalize and reuse existing commercial sites. (Policy 6)
- (c) Recognize the differing needs of residential areas in the various parts of the community, and determine the need to create additional commercial sites in light of opportunities for redevelopment. (Policy 8)
- (d) Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers. (Policy 11)
- (e) Concentrate development in existing commercial areas to minimize traffic impacts on the rest of the city. (Policy 12)
- (f) Reduce congestion on commercial developed streets (strip commercial areas). (Policy 13)
- (g) Encourage transportation alternatives to automobile use. (Policy 14)
- (h) Improve the quality of planning for commercial traffic impacts. (Policy 15)
- (i) Take steps to address the underlying goal in the Metro Plan to have viable neighborhood commercial uses that meet the needs of nearby residents and reduce the use of the automobile. (Policy 16)

#### **(2) Central/University Subarea.**

- (a) Recognize that additional commercial development will occur primarily through redevelopment of existing commercial sites. (Policy 17)

#### **(3) Willakenzie Subarea.** Identify appropriate areas within the Willakenzie subarea to accommodate office development and address neighborhood commercial needs. In identifying commercial sites, evaluate impacts on traffic patterns and surrounding land uses. (Policy 18)

#### **(4) West Subarea.**

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- (a) Consider commercial land in the West Eugene subarea to accommodate both neighborhood commercial needs and those of the larger community. In siting additional commercial land, evaluate impacts on traffic patterns and surrounding land uses. (Policy 19)
  - (b) Retain the floating node indicated on the Plan Diagram south of West 18<sup>th</sup> Avenue between Bailey Hill and Chambers Street. (Policy 20)
- (5) South Subarea.**
- (a) Consider downtown as the commercial service area for South Eugene. If a new area for medium-density residential development is established in South Eugene, additional general commercial land may be created with the housing. (Policy 21)
  - (b) Further strip commercial activity along Willamette Street will be discouraged. Strip commercial is defined as commercial facilities which are largely oriented to automobile traffic, such as retail uses found in the C-2 General Commercial District. Small-scale General Office District developments are not considered strip commercial. (Policy 22)
- (6) River Road/Santa Clara Subarea.** Recognize that the commercial sites designated in the River Road/Santa Clara Urban Facilities Plan provide adequate commercial supply for the area. Consider additional commercial land in the vicinity of the Chambers Connector if needed to address community commercial needs. (Policy 22)
- (7) Commercial Site Development.**
- (a) Foster the development of attractive and functional commercial areas that not only increase property values, but enhance Eugene's reputation as a pleasant, productive, and attractive community in which to live or do business. Recognize that innovative building designs and neighborhood-enhancing streetscapes — especially those designed to accommodate both pedestrian and automobile users with sidewalks, convenient bus stops, and adequate parking — are key factors in the success of such developments. (Policy 23)
  - (b) Give special emphasis to upgrading existing commercial developments. (Policy 24)
  - (c) Provide access controls on all streets, emphasizing the functional operation of the streets based on their classification (as arterial, collector, or local) while maintaining reasonable and legal access to adjacent property. (Policy 25)
  - (d) Encourage parking lot design that is attractive, does not exceed a reasonable ratio of parking spaces per building area, and support compact growth. (Policy 26)
  - (e) Encourage commercial developments to provide for alternative modes of transportation. (Policy 27)

*(Section 9.9530, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9540 Eugene Downtown Plan Policies.**

*(Section 9.9540, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20316, enacted April 15, 2004, effective May 15, 2004; deleted by Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013.)*

### **9.9560 Eugene-Springfield Metropolitan Area General Plan (Metro Plan).**

- (1) Land Divisions in Campus Industrial Designated Area.** A 50-acre

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minimum lot size shall be applied to ownerships of 50 or more acres to protect undeveloped sites from piecemeal development until a site development plan has been approved by the responsible city. (Plan Diagram, page II-E-8)

- (2) **Land Divisions in Special Heavy Industrial Designated Area.** Land divisions in these areas shall be controlled to protect large parcels (40 acres minimum parcel size). (Plan Diagram, page II-E-8)
- (3) **Land Divisions in North of Awbrey Lane Area.** The minimum parcel size for lots in the industrial park shall be 40 acres. (Plan Diagram, page II-E-9)
- (4) **Environmental Resources Element.**
  - (a) Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design consideration and construction measures to be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas. (Policy 4, page III-C-7.)
  - (b) Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input. (Policy 28, page III-C-11)
- (5) **Environmental Design Element.** Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental, and energy consequences in the design and construction of urban developments. Landscaping shall be utilized to enhance distinctive natural features. (Policy 2, page III-E-3)

*(Section 9.9560, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9570 Fairmount/U of O Special Area Study Policies.**

- (1) **General.**
  - (a) The City of Eugene will use the Land Use Diagram and the policies of this plan along with other City policies in making land use and other decisions regarding the plan area. The Land Use Diagram is a generalized map and graphic depiction of the policies and proposals of this plan and the Community Goals and Policies. It is a supplement to and a refinement of the Metropolitan Area General Plan Diagram. (Policy 1)
  - (b) Businesses shall be encouraged to landscape their sites. Where feasible, such encouragement shall include development of mechanisms to fund such landscaping. (Policy 4)
- (2) **University of Oregon Lands Policies (East Campus Area).**
  - (a) The City of Eugene and the Fairmount Neighbors recognize the current University-adopted East Campus Policy as a statement of University policy governing land use in the East Campus Area. (Policy 1)
  - (b) The City shall encourage the University to use its property in East Campus in an orderly fashion: intensity of use will be greatest near the already dense Central Campus Area (Agate Street and 15<sup>th</sup> Avenue) and become less intense as the properties approach low-density residential uses. (Policy 2)
  - (c) The City shall encourage the University to use its lands currently zoned PL (Public Land District) with energy and space efficient structures and land-use patterns. (Policy 3)

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- (d) The City shall encourage the University to develop high- and medium-density residential units with concern for adequate parking and appropriate parking solutions, regard for landscaping, and consideration of the impact on the rest of the neighborhood. (Policy 4)
- (e) The City shall encourage the University to consolidate nonresidential uses that currently are scattered throughout the area into the portions of the plan area reserved for institutional use, returning structures thus vacated to residential use. (Policy 5)
- (f) On University-owned East Campus lands within the state approved University boundary, the following policies shall apply in the Low Density Residential area:
  - 1. The only uses that may be permitted with a conditional use permit are University-owned office uses and similar support functions provided, in addition to the other criteria for a conditional use permit, those uses are compatible with a low-density residential environment.
  - 2. As part of a conditional use permit application, the University shall demonstrate that office uses and similar support functions do not generate more automobile trips than other low-density residential uses allowed in the zone and that adequate off-street parking is provided.
  - 3. The City shall not grant conditional use permits to more than seven of the tax lots in the Low Density Residential area and no more than five of the seven tax lots having a conditional use permit shall be located along Villard Street.
  - 4. The preservation and maintenance of the historic architectural, single-family residential character of the Low Density Residential area is an integral part of the surrounding neighborhood. New development shall demonstrate compatibility with this historic architectural, single-family residential character, located east and south of the East Campus area, through consideration of appropriate building mass, building scale, historic architectural style, setbacks, building and entrance orientation, roof pitch and mitigation of off-site impacts.
  - 5. The Low Density Residential area along the south edge of the East Campus Area may be developed as passive or active open space. (Policy 6)
  - 6. Conditional uses shall not exceed a total of 35,000 square feet within the Low Density Residential area.
- (g) The University shall ensure long-term maintenance for street-front landscaping on University-owned properties along Villard Street. (Policy 7)
- (h) In an effort to maintain the Fairmount Neighborhood's character, the University shall consider contributing ranked historic houses that must be moved from other areas within the state-approved University lands due to development plans for infill projects, or to replace a non-contributing house in the University-owned Low Density Residential area, if feasible. (Policy 8)
- (i) The City shall attach the site review overlay zone to the University's properties at the northwest corner of 15<sup>th</sup> and Villard. In addition, Site

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Review shall be required for new development within 100 feet of the one privately-owned, owner-occupied parcel within the /EC East Campus Overlay Zone (TL 3400, Map 17-03-32-44) as long as the property is privately owned. (Policy 9)

### **(3) Traffic Circulation Policies.**

- (a) The adverse effects of motor vehicle movement shall be mitigated as much as possible. (Policy 2)
- (b) Traffic management techniques shall continue to be used and new techniques developed to reinforce the idea of a hierarchy of streets in the plan area. Some streets shall combine their local, collector, or arterial function with a role as primary pedestrian or bicycle ways. The use of low-volume, local neighborhood streets for through movements by truck and heavy construction equipment shall be discouraged. (Policy 4)
- (c) By March, 2005, the City shall initiate a study of Agate Street between Franklin Boulevard and 19<sup>th</sup> Avenue. That study, conducted jointly with the University and the Fairmount Neighborhood Association, shall identify strategies to improve the function and carrying capacity of Agate according to the City criteria for its designated street classification. The City will implement the necessary changes. The University will participate in those improvements as development occurs and as required by the City code, to the extent that the University is directly responsible for the needed improvements. (Policy 6)
- (d) The City, with the cooperation of the University and the Fairmount Neighborhood Association, shall initiate an area-wide traffic calming study for the streets within the Fairmount/University of Oregon Special Area Study boundary to determine appropriate mitigation for through-traffic utilizing neighborhood streets. Such study shall be initiated prior to December, 2008, subject to availability of funds. In the event that the City updates the Central Area Transportation Study (CATS) prior to 2008, the City shall fund and initiate an area-wide traffic calming study as part of the CATS update to determine appropriate mitigation measures for the subject area. (Policy 7)
- (e) If a Traffic Impact Analysis that is required by the City Code projects that a proposed development will increase traffic on streets within the single-family neighborhood to the east and south of University-owned land, the City shall require the applicant to mitigate those impacts through use of traffic calming strategies or other mechanisms designed to discourage through traffic. (Policy 8)
- (f) With the exception of alleys, vacations of streets within the state-approved University East Campus boundary should not be permitted, unless the applicant, at his or her expense, provides to the City a local street connection study that demonstrates how the proposed street system remaining after such vacation meets the intent of the Eugene Code street connectivity provisions and that such vacation will not increase traffic volumes on local residential streets. (Policy 9)

### **(4) Parking Policies.**

- (a) Steps shall be taken to gain better use of existing off-street parking areas and to discourage long-term storage of vehicles on the street. (Policy 1)

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- (b) The adverse effects of motor vehicle parking shall be mitigated as much as possible. (Policy 3)
  - (c) Parking systems adopted for any area within the special study area should avoid creating parking problems for any other area or land use of the Fairmount Neighborhood by mitigating parking impacts on the surrounding neighborhood as directed by the City. (Policy 4)
  - (d) New parking structures proposed by the University within the East Campus area shall be located and designed to discourage traffic through adjacent neighborhood streets, shall provide routing to and from the structure via an arterial or collector street, and shall provide access to the structure in a manner consistent with adopted City policies and City Code provisions. (Policy 9)
- (5) **Bicycle and Pedestrian Policies.** Existing and future businesses shall be encouraged to provide safe and covered bicycle parking for employees and patrons. (Policy 3) The use of bicycles, mass transit, walking, carpooling, and other appropriate alternative modes of transportation, especially by employees working in the plan area, shall be actively encouraged and provided for in order to reduce automobile dependence and alleviate traffic and parking problems. (Policy 4)

*(Section 9.9570, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20312, enacted March 8, 2004, effective April 7, 2004; administratively amended July 15, 2004; and amended by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

### **9.9580 Jefferson/Far West Refinement Plan Policies.**

- (1) **Land Use Element, General.** Use the Land Use Diagram and the accompanying text along with other policies in the Jefferson/Far West Refinement Plan and applicable City goals, policies, and plans to provide policy direction for public decisions made affecting the area. (Policy 3)
- (2) **Land Use Element, Residential.**
  - (a) Encourage both public and private actions that will improve the overall appearance of the area and the condition of residential structures. (Policy 1)
  - (b) Increase the opportunity for home ownership within the area. (Policy 2)
  - (c) Encourage a mixture of housing densities and types to allow a diverse population group to live within the area. (Policy 3)
- (3) **Land Use Element, Commercial/Industrial.**
  - (a) Promote a mix of mutually supportive land uses which will help stimulate neighborhood-based economic development. (Policy 1)
  - (b) Encourage both public and private actions which will improve the overall appearance of commercial areas and the condition of non-residential structures. (Policy 2)
- (4) **Land Use Element, Public/Civic.**
  - (a) Recognize the resources of land used for public purposes and their value to the neighborhood and broader community, and yet also address potential conflicts with surrounding uses. (Policy 1)
  - (b) Recognize the potential assets a church can lend to a community, yet also address the potential conflicts with surrounding land uses. (Policy 3)



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- (5) **Land Use Element, Far West, Residential Areas, North Low-Density Residential Area.** The City shall continue to recognize the area as suitable for low-density housing. Efforts shall be made to maintain and improve the existing housing stock through both public and private investments. In an effort to allow additional residential units and yet maintain the character of the area, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.
- (6) **Land Use Element, Far West, Residential Areas, Central Low-Density Residential Area.** The low-density designation recognizes existing residential development and land uses. The City shall continue to recognize the residential character of the area and provide incentives for public and private rehabilitation of rundown structures. In addition, the City shall encourage block planning, infilling, and shared housing. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.
- (7) **Land Use Element, Far West, Residential Areas, West Medium-Density Residential Area.** This area shall be recognized as appropriate for medium-density housing. The City shall consider rezoning land designated PL Public Land and in use as Westmoreland Family Housing to reflect existing development. The City shall improve and maintain public access for bicyclists and pedestrians along the Amazon Canal and crossing the Amazon Canal easement.
- (8) **Land Use Element, Far West, Residential Areas, South Low-Density Residential Area.** This area shall be recognized as appropriate for low-density residential use. The City shall encourage the rehabilitation of rundown structures, block planning, infilling, and shared housing.
- (9) **Land Use Element, Far West, Commercial/Industrial Areas, West 11<sup>th</sup> Avenue/Garfield Street Commercial/Industrial Area.** The City shall promote development along West 11<sup>th</sup> Avenue and Garfield Street that will allow it to continue to be a major commercial corridor and yet respond to the need for efficient movement of automobile traffic. The City shall encourage the consolidation of off-street parking, the reduction of access points and, therefore, turning movements, and the grouping of compatible commercial uses. The City shall encourage businesses and property owners along West 11<sup>th</sup> Avenue and Garfield Street to provide landscaping and other amenities which will beautify the area and create a better edge between pedestrians and vehicular traffic. Businesses in the area shall be encouraged to form a Merchants Association.
- (10) **Land Use Element, Far West, Commercial/Industrial Areas, West 18<sup>th</sup> Avenue and Chambers Street Commercial Area.** This area shall be recognized as an important commercial node. Commercial activities shall be allowed to expand or redevelop within this area in a manner sensitive to surrounding land uses. To avoid strip commercial development along either West 18<sup>th</sup> Avenue or Chambers Street, expansion of commercial uses outside of this area shall not be considered appropriate.
- (11) **Land Use Element, Far West, Mixed Use/Transition Areas, Mixed Use/Transition Area (South of West 10<sup>th</sup> Avenue).** The City shall promote development that will provide a transition between retail and auto-oriented activities on West 11<sup>th</sup> Avenue and low-density residential developments to the north. The City shall allow zoning that permits medium-density residential

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developments, and/or professional offices, yet prohibits intensive commercial activities such as drive-up uses. Site review subdistrict zoning shall be applied in this area to address the relationship of the development to the residential area to the north and the commercial area to the south. Efforts shall be made to improve the area by constructing needed sidewalks, planting trees, and providing other amenities, and by encouraging access and parking in rear yard areas. The City shall recognize the need to maintain an appropriate scale of development within this area and to encourage developments that are sensitive to the adjacent park.

- (12) **Land Use Element, Far West, Mixed Use/Transition Areas, Mixed Use/Transition Area (North of West 12<sup>th</sup> Avenue).** The City shall promote development that will provide a transition between retail and auto-oriented activities on West 11<sup>th</sup> Avenue and low-density residential developments. Allow zoning that permits medium-density residential developments, and/or professional offices, yet prohibits intensive commercial activities such as drive-up uses. Site-review subdistrict zoning shall be applied to this area to address the relationship of the development to the residential area to the south and commercial area to the north. Efforts shall be made to create a distinctive quality in this area by such actions as sidewalk construction, landscaping, and rehabilitation of rundown structures, and by encouraging access and parking in rear yards.
- (13) **Land Use Element, Far West, Land in Public Ownership, Public Facilities and Open Space.** Land owned by the City along Amazon Canal shall be improved and maintained as public open space.
- (14) **Land Use Element, Jefferson, Residential Areas, West Low-Density Residential Area.** Promote retention of existing viable residential structures by targeting the use of rehabilitation funds in this area and encouraging the relocation and rehabilitation of residential structures when land is needed for public or quasi-public uses. Encourage additional residential developments that will maintain the character of the area by pursuing the application of block planning and allowing additional housing units on undeveloped or underutilized sites, division of existing single-family structures into duplexes, and access to additional housing units off alleys. Promote development of public and quasi-public uses in the area that will minimize conflicts with adjacent residential areas by encouraging shared use of existing parking facilities and allowing inter-agency agreements to account for parking requirements.
- (15) **Land Use Element, Jefferson, Residential Areas, West Medium-Density Residential Area.** This area is appropriate for medium-density residential use.
- (16) **Land Use Element, Jefferson, Residential Areas, Low-Density Residential Area - South of the Fairgrounds.** This area shall remain a low-density residential area. Efforts shall be made to maintain and improve the quality of the existing housing stock.
- (17) **Land Use Element, Jefferson, Residential Areas, Low-Density Residential Area.** This area shall be recognized as a low-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other

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policies and goals. The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

- (18) **Land Use Element, Jefferson, Residential Areas, East Medium-Density Residential Area.** This area shall be recognized as appropriate for medium-density residential development. Efforts shall be made to preserve the existing residential structures by encouraging rehabilitation, infilling, or relocation of structures within the neighborhood.
- (19) **Land Use Element, Jefferson, Commercial Areas, Willamette Street Commercial Corridor.** This area shall be recognized as appropriate for neighborhood and regional-oriented commercial uses. This designation, however, recognizes that the half-block west of Willamette Street is the dividing line between residential and commercial uses. Efforts shall be made to encourage street trees and other amenities which will create a distinctive quality on this portion of Willamette Street.
- (20) **Transportation Element, General.** In recognition of the T-2000 Plan, continue to encourage a variety of transportation mode that create accessibility for all segments of the community. (Policy 1)
- (21) **Transportation Element, Major Transportation Corridors.**
  - (a) Limit the impact of arterial streets within the plan area, especially in residential areas. (Policy 1)
  - (b) Encourage actions that will preserve local streets for local traffic. (Policy 2)
  - (c) Improve the traffic flow on West 13<sup>th</sup> Avenue between Charnelton and Willamette Streets. (Policy 3)
- (22) **Transportation Element, Pedestrians/Bikeways.** Encourage convenient, safe, and pleasant access for pedestrians, bicyclists, and handicapped persons throughout the plan area, emphasizing movements to and from: 1) Ida Patterson, Westmoreland, and O'Hara Elementary Schools; 2) Lane County Fairgrounds; 3) transit lines; 4) community facilities such as the Jefferson Pool; and 5) neighborhood commercial areas. (Policy 1)
- (23) **Public Service & Facilities Element, Educational/Recreational/ Leisure Resources.** Maintain the Amazon Canal as an important flood control device and yet continue to develop as a distinctive recreation corridor and non-motorized transportation link. (Policy 6)
- (24) **Public Service & Facilities Element, Public Safety/Utilities.**
  - (a) Encourage actions that will reduce crime and fear of crime for residents and employees in the plan area. (Policy 1)
  - (b) Encourage actions that will maintain adequate fire protection within this area. (Policy 2)
  - (c) Maintain and develop important corridors or linkages. (Policy 6)
  - (d) Provide safe and enjoyable access throughout the neighborhood. (Policy 7)
  - (e) Preserve and enhance elements that reflect neighborhood features and improve neighborhood identity. (Policy 8)
  - (f) Inventory and preserve historic and natural features. (Policy 11)
  - (g) Discourage unnecessary barriers, nuisances, and other elements detrimental to the revitalization of the neighborhood, including noise and site pollution. (Policy 13)

*(Section 9.9580, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20380, enacted and effective March 12, 2007.)*

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**Laurel Hill Plan Policies.**

**(1) Laurel Hill Valley Neighborhood Land Use and Future Urban Design (Section I, Subsection C).**

- (a) Approval of Valley Development will take into consideration:
  - 1. Density. The appropriate density for residential development shall be determined based on 1) the provision of the Metropolitan Area General Plan calling for an overall density range of one to ten units per acre; and 2) provisions of the South Hills Study, including those limiting density to five units per acre for sites above 500 feet in elevation.
  - 2. Size. Large apartment complexes (over thirty-two units) are objectionable because their dominance would alter entirely the character of the Valley. Approval of apartment complexes larger than 32 units will depend upon the feasibility of providing adequate urban services, streets, schools, and transportation.
  - 3. Dispersal. Planned Unit Developments composed primarily of multiple dwelling units shall be separated and dispersed and not abutting. (Policy 1)
- (b) New land divisions shall be planned to respect the existing topography and ensure solar potential to the extent possible. Developer shall be encouraged to investigate techniques other than grid-type division of land when planning for development. (Policy 5)
- (c) The Laurel Hill Plan supports the South Hills Study standards. In general, alteration of land contours shall be minimized to retain views of natural features and retain as much of the forested atmosphere as possible. Aside from purely aesthetic considerations, these hillsides demand care in development because the topsoil is thin and the water runoff is rapid. Proposed developments shall respect the above considerations. The Valley hillside policy applies to all land with an average slope, from toe to crest, of 15 percent or greater. (A 15-percent slope is one in which the land rises 15 feet per 100 horizontal feet.)
  - 1. If, in the opinion of the responsible City official, an adverse conservation or geological condition exists upon a parcel of land proposed for a subdivision, or before any major hillside clearing, excavation, filling or construction is contemplated, the requirements of the Uniform Building Code, Chapter 70, Excavation and Grading, and those sections of the code relative to foundation design may be invoked.
  - 2. Considerable latitude shall be allowed the developer in the shaping, depth, and required street frontages of lots where it is necessary to preserve the terrain. (Policy 6)

**(2) Laurel Hill Valley Neighborhood, Land Use and Future Urban Design (Section II, Subsection C).**

- (a) No arterial or limited access road will be allowed within the boundaries of the Valley which would connect the Glenwood interchange on Interstate 5 to 30th Avenue or Spring Boulevard (see goal #1). (Policy 1)
- (b) No arterial or limited access road will be allowed within the Valley except as necessary to serve Valley residents, as it would physically divide and

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- thus destroy the neighborhood. (Policy 2)
- (3) **East Laurel Hill Area, Land Use and Future Urban Design.** The Glenwood collector shall be designed to avoid breaking up large and existing properties, improve the intersection alignment of the Laurel Hill-Glenwood overpass, and maintain safe sight distance. It shall serve as the primary access to future residential development south of the floating node, but terminate and diffuse into other roads serving the area. No connection to 30th Avenue shall be made. (Section II Policy)

*(Section 9.9590, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9600 19<sup>th</sup> and Agate Special Area Study Policies.**

- (1) **19<sup>th</sup> and Agate Special Area Study and Agate Commercial Area.**
- (a) Increase availability of short-term on-street parking and decrease long-term on-street automobile storage. (Policy 1)
  - (b) Allow flexibility in the way required off-street parking is met for businesses in the 19<sup>th</sup> and Agate Commercial Area. (Policy 2)
- (2) **General Traffic and Circulation.** Reduce problems of dust and noise generated by vehicular traffic in the alley east of Condon School. (Policy 11)

*(Section 9.9600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9610 River Road - Santa Clara Urban Facilities Plan Policies.**

- (1) **General Land Use.** Minimize land use conflicts by promoting compatibility between land uses, especially among residential, commercial-industrial, and commercial-agricultural uses. (Policy 1)
- (2) **Residential Land Use.**
- (a) Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan. (Policy 1)
  - (b) Evaluate traffic and compatibility impacts when considering new residential development on parcels fronting arterial streets. (Policy 3)
  - (c) Provide adequate buffering and traffic control for existing non-residential development fronting River Road, (to minimize conflicts with surrounding development). (Policy 4)
  - (d) Permit medium-density housing (10 to 20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit, and alternative modes of transportation, schools and parks, and open space should be considered. Medium-density residential development will be considered for the north Santa Clara area consistent with the above criteria. (Policy 5)
  - (e) Design residential development which is adjacent to the Greenway, parks, and other identified natural features in a manner that ensures its compatibility with those features. (Policy 6)
- (3) **Commercial and Industrial Land Use.**
- (a) Maintain and enhance the compatibility of adjacent land uses through the use of appropriate buffering mechanisms, such as landscaping standards. (Policy 1)
  - (b) Require site plan reviews for all new commercial and industrial development. (Policy 2)
  - (c) Prohibit the linear expansion of existing strip commercial areas fronting on River Road. Existing strip commercial development may expand by

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- infilling, redevelopment, or expansion onto contiguous property that does not front on River Road.(Policy 3)
- (d) Provide for buffering and traffic control for existing development that fronts River Road (to minimize conflicts with surrounding residential development). (Policy 4)
  - (e) Minimize impacts of new commercial development intended to consolidate and improve existing strip commercial uses along River Road by requiring development standards. (Policy 5)
  - (f) New neighborhood commercial uses shall be located away from River Road in locations that facilitate the provision of commercial facilities scaled to a residential area and that allow for dispersal of commercial uses throughout River Road-Santa Clara. (Policy 6)
  - (g) Ensure compatibility between neighborhood commercial developments and the surrounding residential area by identifying and applying siting and development standards. (Policy 7)
- (4) River Road/Railroad Avenue Subarea.**
- (a) Designate and zone existing medium-density development.
  - (b) Limit River Road access to existing commercial development.
  - (c) Maintain existing land use patterns until completion of the Chambers Connector. The effects of the Chamber Connector and related road improvements on the immediate area should be examined upon completion of final design and right-of-way acquisition and any appropriate changes adopted.
  - (d) The area south of Fir Lane and east of River Road is appropriate for commercial and low density residential uses.
  - (e) Medium density residential development along the east side of River Road north of Fir Lane is appropriate, and requires a minimum development area of 2/3 of an acre.
  - (f) Rezone the apartments on the west end of Briarcliff Drive from industrial to medium density residential use.
  - (g) Delay for six months rezoning of the vacant parcels south of Briarcliff and adjacent to the Northwest Expressway from industrial to low density residential use.
  - (h) Designate the two parcels north of Holeman Avenue and west of River Road for commercial use.
- (5) River Road/Knoop Subarea Recommendations.**
- (a) Maintain existing land use pattern.
  - (b) Apply site review for medium-density development in the northern portion of the subarea.
  - (c) Limit number of River Road access points to medium-density development in the southern portion of the subarea.
- (6) River Road/Hilliard Subarea.**
- (a) Rezone small split-zone tax lots to their most intensive use.
  - (b) Maintain viability of existing residential land use.
  - (c) Recommend professional office development for the undeveloped land on the west side of River Road between West Hillcrest and Horn Lane. Only professional office development making unified use of one or more acres shall be allowed in the area. Access shall be limited to mitigate impacts on existing low-density residential development west of the area.

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- (7) **River Road/Howard Subarea.**
- (a) Maintain the status of non-conforming uses.
  - (b) Maintain the status of existing medium-density land use.
  - (c) Encourage medium-density residential development for all portions of the subarea, with the exception of the following areas: Hatten Street commercial area, the area west of River road between Maxwell and Howard, and the area east of River Road between Owosso and Corliss.
  - (d) Recommend professional office development on the east side of River Road between Owosso and Corliss.
- (8) **Maxwell/Park Avenue.**
- (a) Recommend development of medium-density housing, while maintaining natural features, for neighborhood park and open space through use of clustering and site review.
  - (b) Concentrate medium-density development around the commercial node, with a transition to low-density, particularly at the northern and southern boundaries of the subarea.
  - (c) Apply site review for parcels fronting the Northwest Expressway and the Southern Pacific Railroad tracks.
  - (d) Maintain current commercial designation to the north of the line which would be Howard Avenue if ever extended westerly. Only commercial developments making unified use of five or more acres shall be allowed in the area.
- (9) **Riviera.**
- (a) Continue existing land use pattern.
  - (b) Rezone single-family residential south of River Avenue to medium-density and north of River Avenue to commercial zoning.
  - (c) Rezone all residentially developed parcels south of River Avenue and east of River Road to medium-density residential use.
- (10) **River Avenue.** Rezone the area north of River Avenue to commercial.
- (11) **River Road/Irving.**
- (a) Rezone small split-zoned tax lots to their most intensive use.
  - (b) Parcels south of Santa Clara Avenue and west of River Road, that are not already developed for commercial use, should be zoned of office development.
  - (c) Designate the large southern undeveloped parcel for medium-density development.
  - (d) Designate the westerly portion of the large parcel south of Santa Clara Avenue and west of River Road for medium-density development, with an emphasis on development of health-related facilities.
  - (e) Maintain the viability of existing low-density residential development.
  - (f) Designate professional office development for five parcels north of Santa Clara Avenue and west of current commercial development on west River Road.
- (12) **River Road/Division.**
- (a) Designate medium-density development for undeveloped and under-developed property west of Ross Lane and west of Lee's Trailer Park.
  - (b) The transition from professional office use to medium-density residential use should occur in the vicinity of a line projected south from the east boundary of the Santa Clara Elementary School property.
  - (c) Rezone parcels north of Santa Clara Square and south of Green Lane

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- for professional office use.
- (13) Irving Light-Medium Industrial.**
- (a) Use Planned Unit Development procedures to mitigate impacts on existing adjacent low-density residential development upon rezoning to industrial.
  - (b) Only industrial developments, making unified use of ten or more acres shall be allowed in the area.
  - (c) Consider amending the Plan designation to Special-Light Industrial.
- (14) Northwest Expressway.**
- (a) Encourage development of a two- to five-acre neighborhood commercial node west of the slough for the following reasons:
    - 1. Arterial street access
    - 2. Access from the Northwest Expressway at Irvington Drive.
    - 3. Large parcel size in the area.
    - 4. Metropolitan Plan assumes large population growth in this area.
  - (b) Apply site review for development of parcels fronting the Northwest Expressway and Southern Pacific Railroad.
- (15) River Road/Wilkes.**
- (a) Consolidate commercial development for property south of Swain Lane and bounded by the slough on the east and Greenwood Street on the south.
  - (b) Rezone split-zone tax lots.
  - (c) Designate medium-density development on the easterly portion of the large undeveloped parcel north of Swain Lane.
  - (d) Designate community commercial development on the westerly portion of the large undeveloped parcel north of Swain Lane. Only commercial developments making unified use of five or more acres shall be allowed in the area.
  - (e) Encourage commercial development contiguous to existing commercial uses east of River Road.
  - (f) Encourage low-density zoning for property south of Brotherton, across from River Loop #2.
  - (g) Designate neighborhood commercial development for two acres on the northwest corner of Irvington and River Road. Only commercial developments making unified use of one or more acres and with access limited to Irvington Drive, shall be allowed in the area.
- (16) Public Facilities and Services.**
- (a) Land development patterns in the area shall accommodate the provision of fire and emergency services. (Fire subsection, Policy 2)
  - (b) If a transfer site in the western portion of the metropolitan area is desired, a cost-benefit analysis shall be conducted to determine its effectiveness before any siting plans are considered. (Solid Waste Service subsection, Policy 1)
  - (c) Future road improvements providing sidewalks and bicycle lanes shall consider safety needs of students, especially at intersections near schools and along busy streets. (School subsection, Policy 1)
  - (d) Encourage the continued multiple use of school facilities. (School subsection, Policy 3)
  - (e) When appropriate, land for park and recreation facilities shall be dedicated as part of the development review process for vacant land.



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(Park and Recreation Service subsection, Policy 3)

### **(17) Environmental Design Element.**

- (a) New residential development taking place in areas adjacent to the Northwest Expressway and the Southern Pacific Railroad shall be designed so as to minimize noise and visual impacts generated by these facilities. (Relationship of the Area to the Railroad, Policy 1)
- (b) Examine the possibility of providing landscaping and a noise barrier along the east side of the Northwest Expressway as a means of buffering adjacent residential areas.(Relationship of the Area to the Railroad, Policy 2)
- (c) Residential developments shall be designed to minimize potential conflicts with adjacent agricultural operations. (Urban and Agricultural Fringe Areas, Policy 1)
- (d) With the exception of high voltage transmission lines, require the installation of underground utilities in developing areas. (Signs/Utilities subsection, Policy 2)
- (e) Landscape buffers shall be provided for power substations in the study area by the responsible utility. (Signs/Utilities subsection, Policy 3)
- (f) Encourage the preservation and restoration of structures, landmarks, sites, and areas of cultural, historic, or archaeological significance. (Historic Structures subsection, Policy 2)
- (g) Future development along vegetated sloughs shall be reviewed to determine additional requirements, if any, to maintain and improve the sloughs as environmental assets. (Vegetated Sloughs subsection, Policy 2)

### **(18) Transportation Element.**

- (a) All street improvement projects should support and recognize that different streets serve different functions. (Policy 1)
- (b) Support alternative to the automobile including mass transit, bicycle, walking, and carpooling. (Policy 2)

*(Section 9.9610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

## **9.9620 Riverfront Park Study.**

- (1) Land Use.** Development standards within the SD, Special Development District, applied to the Riverfront Park, shall be designed to:
  - (a) Provide for intensity of development while recognizing the environmental and open-space attributes and requirements of the area.
  - (b) Recognize that proximity to alternate transportation facilities may provide opportunities to reduce parking requirements for certain industrial uses.
  - (c) Provide for signing standards consistent with the purpose of the district.
  - (d) Allow for a mixture of uses in the SD, Special Development District.
  - (e) Ensure that development in the Riverfront Park is primarily related to University activities and programs.
- (2) Transportation.**
  - (a) The City, if possible in conjunction with a developer, shall work with the Oregon Department of Transportation (ODOT) and the Southern Pacific Railroad to increase the number of points of access to undeveloped property within the Riverfront Park Study area. (Policy 1)
  - (b) The City shall work with the Lane Transit District, the University of

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- Oregon, and employers in the Riverfront area to maximize the use of alternative modes of transportation. Facilities and programs will be developed to work toward the goal of accommodating a substantial number of the trips made to new development within the Riverfront Park Study area through modes other than the single-occupancy automobile. (Policy 2)
- (c) The City shall use its Capital Improvement Programming process to identify projects, their implementation schedules, and anticipated funding sources needed to provide transportation facilities to service development in the Riverfront Study Area. Special efforts shall be made to secure non-City funding for capital improvements whenever possible. (Policy 3)
  - (d) The City shall pursue construction of projects intended, by design and timing, to avoid Level of Service 'E' in the Franklin Boulevard corridor. (Policy 4)
  - (e) The City shall encourage the University of Oregon, Lane County, and the Oregon Department of Transportation to participate financially in transportation improvements involved in the Riverfront Park Development area. (Policy 6)
  - (f) The City, in cooperation with the University and developers, shall develop a plan for a comprehensive bicycle path network for the Riverfront Study area including: 1) the South Bank Bike Trail; 2) the Mill Race Bike Path (included in the Eugene Bikeways Master Plan); and 3) new paths providing access between Franklin Boulevard and the south Bank Trail and to destinations within the study area. (Policy 7)

*(Section 9.9620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9630 South Hills Study Policies.**

#### **(1) Ridgeline Park Section - Specific Recommendations.**

- (a) That all vacant property above an elevation of 901' be preserved from an intensive level of development, subject to the following exceptions:
  - 1. Development of individual residences on existing lots; and
  - 2. Development under planned unit development procedures when it can be demonstrated that a proposed development is consistent with the adopted South Hills Study Ridgeline Park purpose statement which provides any areas recommended for preservation or park usage should serve at least one of the following purposes:
    - a. To insure preservation of those areas most visibly a part of the entire community.
    - b. To protect areas of high biological value in order to provide for the continued health of native wildlife and vegetation.
    - c. To insure provision of recreational areas in close proximity to major concentrations of population.
    - d. To provide connective trails between major recreational areas.
    - e. To provide connective passageways for wildlife between important biological preserves.
    - f. To contribute to Eugene's evergreen forest edge.
    - g. To provide an open space area as a buffer between the

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intensive level of urban development occurring within the urban service area and the rural level of development occurring outside the urban service area.

- (b) That all proposed developments in the south hills area be reviewed to determine if connecting linkages are possible between various park sites, particularly north of Skyline Park to Hendricks Park and between Blanton Heights and Hawkins Heights.

### (2) **Density Section - Specific Recommendations.**

- (a) That in the area west of Friendly Street the maximum level of new development per gross acre be limited to 8 units per acre (the maximum of 8 units per gross acre being subject to positive findings under the planned unit development criteria).
- (b) That in the area east of Friendly Street the maximum level of new development per gross acre be limited to 5 units per acre (the maximum figure of 5 dwelling units per gross acre being subject to positive findings under the planned unit development criteria).
- (c) That low-moderate income housing developed under the Controlled Income and Rent provisions of the City Code be exempt from the density standards set forth above, but subject to normal specific site analysis standards.

### (3) **Development Standards - Specific Recommendations.**

- (a) That all major developments (developments in excess of minor partitions) occurring on property above an elevation of 701' shall be reviewed by the Planning Director to determine if standard subdivision procedures, site review procedures, or planned unit development procedures should be required. In reaching a determination, the Planning Director shall evaluate the following factors:
  - 1. The potential for surface movement;
  - 2. The view potential of the property;
  - 3. The nature of existing vegetation;
  - 4. The nature of surrounding development; and
  - 5. The nature of the development proposal.

The decision of the Planning Director shall be appealable to the Planning Commission and thence to the City Council. (See provisions beginning at EC 9.7600 for appeal procedures.)

- (b) That planned unit development procedures shall be utilized for the following purposes:
  - 1. To encourage clustering of development in areas characterized by:
    - a. Shallowest slopes.
    - b. Lowest elevations.
    - c. Least amount of vegetation.
    - d. Least amount of visual impact.
  - 2. To encourage preservation as open space those areas characterized by:
    - a. Intermediate and steep slopes.
    - b. Higher elevations.
    - c. Significant amounts of vegetation.
    - d. Significant visual impact.
- (c) That adequate review of both on-site and off-site impact of any

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development by a qualified engineering geologist occur under any of the following conditions:

1. All formations:  
Soil depth of 40 inches and above.  
Slopes of 30 percent and above.
  2. Basalt flows:  
Soil depth of 40 inches and above.  
Slopes of 20 percent to 30 percent.
  3. Eugene Formation:  
Soil depth of 40 inches and above.  
Slopes of 20 percent to 30 percent.
  4. Basalt flows:  
Soil depth of 20 to 40 inches.  
Slopes of 30 percent and above.
  5. Eugene Formation:  
Soil depth of 20 inches to 40 inches.  
Slopes of 30 percent and above.
- (d) That developments be reviewed to encourage clustering of open space elements of different developments in order to preserve the maximum amount of continuous open space.
- (e) That developments be reviewed in terms of scale, bulk and height to insure that development blends with rather than dominates the natural characteristics of the south hills area.
- (f) That all proposed road locations be reviewed to insure minimum grade disturbance and minimum cut-and-fill activity, particularly in those areas most visible due to slope, topographic or other conditions.
- (g) That planned unit development review shall be based upon a recognition of both public and private interest. In areas of significant conflict (e.g., locating development in a highly visible area as opposed to a less visible area or in an area of significant vegetation as opposed to a relatively open area) which could be resolved through use of an alternative development plan, primacy shall be given to the public interest in any determinations.
- (h) That all developments shall be reviewed for potential linkage with or to the ridgeline system.
- (i) That all developments (planned unit developments or subdivisions) be reviewed to insure maximum preservation of existing vegetation.

*(Section 9.9630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)*

### **9.9640 South Willamette Subarea Study Policies.**

- (1) Rezone the lot on the east side of Willamette, south of 24<sup>th</sup> Place from C-2 to General Office, to support the transition from residential north of 24<sup>th</sup> Place to commercial south of the subject lot.
- (2) The southeast corner of the block between 18<sup>th</sup> and 19<sup>th</sup>, Oak and Willamette is currently zoned R-3 and occupied with low-density residential uses. This four lot area faces residential development across Oak Street and across 19<sup>th</sup> Avenue. The uses on the remainder of the block are office or commercial but are oriented toward Willamette or 18<sup>th</sup> Avenue. This study recommends that the Metro Plan be refined to support the continuation of medium-density

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zoning as an appropriate use for these parcels. Additionally, traffic projections for a two-way Willamette Street indicate a 3000 vehicle decrease on Oak between 18<sup>th</sup> and 20<sup>th</sup>, which also supports the continuation of the integrity of residential uses in the area.

- (3) The School District-owned Civic Stadium and bus garage property is appropriately designated for medium density residential development on the Metro Plan Diagram, but should remain zoned Public Land as long as the Civic Stadium use remains.
- (4) Commercial or office zoning along Willamette between 19<sup>th</sup> and 24<sup>th</sup> Place should not be expanded. The area should appropriately remain in residential uses as it is designated in the Metro Plan Diagram. The traffic volumes projected for a two-way Willamette in this section are approximately 12,000 vehicles per day, an increase of 4,400. This level of traffic is lower than several other arterial streets which are primarily residential: 18<sup>th</sup> Avenue, 11<sup>th</sup> Avenue between downtown and Garfield Street, and Patterson south of 24<sup>th</sup>. Staff feels that the projected increase in traffic volumes does not support the conversion of residential to office or commercial uses.
- (5) In recognition of existing mix of low, medium and high density residential uses and the current zoning on the west side of Willamette between 19<sup>th</sup> Avenue and 24<sup>th</sup> Place, this study recommends that the Metro Plan diagram be refined to reflect a high density residential designation on parcels currently zoned R-3 in the area.
- (6) The zoning and planned use designations for the remainder of the study area should remain as is. In particular, the area on the east side of Willamette Street between 19<sup>th</sup> and the Civic Stadium property is an appropriate area for medium density residential development. The area on the east side of Willamette between 19<sup>th</sup> and 18<sup>th</sup> is appropriately designated and zoned as commercial.

*(Section 9.9640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9650 TransPlan Policies.**

- (1) **Land Use.**
  - (a) Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.
  - (b) Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within 1/4 mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.
  - (c) Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed-use, and multi-unit residential development.
- (2) **Transportation Demand Management.**
  - (a) Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.
  - (b) Implement TDM strategies to manage demand at congested locations.
- (3) **Transportation System Improvements: Roadways.** Motor vehicle level of

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service policy:

- (a) Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
  - 1. Identifying capacity deficiencies on the roadway system.
  - 2. Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-12-0060).
  - 3. Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
- (b) Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
  - 1. Level of Service F within Eugene's Downtown Traffic Impact Analysis Exempt Area;
  - 2. Level of Service E within the portion of Eugene's Central Area Transportation Study (CATS) area that is not within Eugene's Downtown Traffic Impact Analysis Exempt Area; and
  - 3. Level of Service D elsewhere.
- (c) Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints including but not limit to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of Policy F-15: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

- (4) **Transportation System Improvements: Transit.** Improve transit service and facilities to increase the system's accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population.
- (5) **Transportation System Improvements: Bicycle.**
  - (a) Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.
  - (b) Require bikeways along new and reconstructed arterial and major collector streets.
  - (c) Require bikeways to connect new development with nearby neighborhood activity centers and major destinations.
- (6) **Transportation System Improvements: Pedestrian.**
  - (a) Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

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- (b) Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.
- (c) Construct sidewalks along urban area arterial and collector roadways, except freeways.

*(Section 9.9650 amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance 20514, enacted July 22, 2013, effective August 24, 2013.)*

### **9.9655 Walnut Station Specific Area Plan.**

- (1) As part of an application to develop the lands formerly owned by the Department of Transportation (south of Franklin Boulevard, east of Walnut Street and north of 15th Avenue), the developer shall demonstrate that consideration was given to realigning the 15th Avenue bicycle path in the vicinity of those lands and making it more attractive. (Note: If the bicycle path is realigned, the City shall require an easement for the path to ensure its permanence in the future.)
- (2) As part of an application to develop a property south of Franklin Boulevard or a property in the block on the north side of Franklin Boulevard between Moss Street, Villard Street, and Garden Avenue within the Walnut Station Specific Area Plan, applicants are encouraged to include access for pedestrians, bicycles and limited vehicular access consistent with the Transportation Features map shown as Figure 9.3978(3)(b) in the Walnut Station Special Area Zone.

*(Section 9.9655 added by Ordinance No. 20460, enacted July 12, 2010, effective August 14, 2010.)*

### **9.9660 West Eugene Wetlands Plan Policies.**

- (1) Apply interim protection measures to wetland sites identified for protection through existing local land use controls, until sites are purchased for conservation and protection. (Policy 3.2)
- (2) Along with Lane County and the State of Oregon, protect wetlands on public lands in the west Eugene wetlands study area and restore wetlands on public lands consistent with Wetland Designations Map (Map 3). (Policy 3.5)
- (3) Establish, maintain and protect physical and hydrologic linkages between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas. (Policy 3.8)
- (4) Protect and enhance the quality, functions, and values of natural and human-made waterways that are interconnected with wetlands. (Policy 3.9)
- (5) Restrict public access in natural resource areas, rare plant sites and specified wildlife nesting and resting areas. (Policy 3.11)
- (6) Protect and create buffer areas between regulated wetland boundaries and adjacent uses or developments. (Policy 3.12)
- (7) Promote multiple uses of protected wetlands to meet community, environmental and human needs:
  - (a) Provide public access for all people where other wetland functions and values are not compromised;
  - (b) Coordinate wetland protection, enhancement and restoration with regional water quality improvement needs; and
  - (c) Utilize current and restored wetlands for flood storage and control. (Policy 3.13)
- (8) Implement wetland protection policies that prohibit development on wetlands

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designated for protection after those wetlands are acquired by a public agency or nonprofit organization (e.g., The Nature Conservancy). (Policy 3.14)

- (9) The Waterside Protection setback proposed in the Natural Resources Special Study shall be applied to streams designated to be protected in this plan as identified on Map 3, Wetland Designations. (Policy 3.15)
- (10) Local governments shall not issue grading or building permits within areas mapped as jurisdictional wetland in the West Eugene Wetland Plan area unless the applicant has an approved state/federal wetland fill permit for the proposed project (Policy 3.20)
- (11) Pursue interim protection of sites which contain rare species, but do not meet the criteria for protection in Policy 3.17 through conservation easements or other measures until either (1) the affected species are de-listed or (2) conservation agreements are reached between the property owner and affected natural resources agencies to address the rare species populations. (Policy 3.26)
- (12) Future fill or removal within the “utility corridors” as designated on the Wetland Designation Map (Map 3) shall be conducted with an applicable U.S. Army Corps of Engineers (Army Corps) and/or Division of State Lands dredge and fill permit(s), and shall be limited to the minimum impacts necessary to:
  - (a) Conduct emergency repairs to existing utility lines,
  - (b) Conduct essential maintenance (e.g., work to maintain or optimize performance) on existing utility lines, including line locating,
  - (c) Construct connections to existing utility lines,
  - (d) Construct new utility lines,
  - (e) Move existing utility lines when necessary to maintain service or conduct emergency repairs, and when at least one of the following is true:
    1. The utility line must be moved to protect it from erosion or some other natural threat;
    2. Construction of public facilities that are consistent with this plan and that conflict with an existing utility line, where such public facilities cannot reasonably be constructed without moving the utility line; or
    3. The utility line must be moved in order to maintain or repair another utility line in the same vicinity.
  - (f) Place new utility poles or replace existing utility poles, only when necessary to maintain performance or safety of above-ground utility lines. Above-ground utility lines may not be replaced with underground utility lines within wetlands designated for restoration or protection.
  - (g) No other impacts are authorized by this policy. The following shall also apply to these corridors:
    1. The corridors for underground utility lines shall be 20 feet wide for excavations or pipes up to 10 feet below ground surface (bgs), 30 feet wide for excavations or pipes from 10 to 15 feet bgs, and 40 feet wide for excavations or pipes deeper than 15 feet bgs. Where two utility lines are close to each other, the corridors for the lines may overlap, but impacts for work on one line are allowed only within the corridor width for that line, not the combined width of both lines.
    2. The corridors for above ground utility lines shall be 10 feet wide for single pole structures and 20 feet wide for double pole (“H-



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- style") structures.
3. The utility corridors shall be centered on an existing utility line, extending an equal distance (half the allowed width) on both sides, except for corridors for new utility lines, which shall be located as specified in subsection 4. below.
  4. Construction of new utility lines and new connections to existing utility lines within wetlands designated for protection shall require an amendment of this plan to change the designation from "protect" to "utility line corridor." Such amendments will only be allowed where it is demonstrated that:
    - a. An alternatives analysis has concluded that locating the new utility line within a protected wetland is the best alternative. The alternatives analysis shall compare alternatives that are completely outside of protected wetlands and compare them to any alternatives that impact protected wetlands. The alternatives shall be evaluated by weighing engineering requirements and total environmental impacts including impacts to rare species and their habitat, and to wetlands designated in the Plan for restoration or protection.
    - b. The new construction cannot reasonably be constructed completely outside of wetlands designated for protection as demonstrated in the above-referenced alternatives analysis;
    - c. The utility lines are located so as to reduce the impact to wetlands designated for protection as much as possible, and in no case shall a cumulative area greater than 1 acre be re-designated from "protection" to "utility corridor" for a new utility line;
    - d. Unavoidable impacts will be mitigated through restoration of the project's entire impact area;
    - e. There are no impacts to wetlands from new utility lines installed within the Willow Creek Natural Area; and
    - f. Impacts to rare plant and animal species will not occur.
- (h) Other than the activities described in this policy, these corridors shall be treated as protected wetlands. Allowed activities shall be conducted in such a manner as to minimize adverse impacts to the maximum extent possible upon the wetlands within the corridor itself and within surrounding protected wetlands. Wetland impacts shall be limited to the minimum area necessary. Utility agencies shall use the best feasible technology to pinpoint the location of needed repairs prior to excavation in order to limit the area of impact.
- (i) Except for emergency repairs, these activities shall be planned and timed to minimize adverse impacts to wetlands.
- (j) All impacts shall be followed by restoration activities including:
  1. Backfilling with existing native soil within three feet of the surface whenever possible, and in no case less than two feet; and
  2. Grading and re-seeding and/or replanting with appropriate native plant species.
- (k) Any unavoidable impacts to rare plant species shall be mitigated through coordinated transplanting or other measures. (Policy 3.21)
- (13)** The plant and animal species listed below shall be considered rare for the

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purposes and policies of this Plan:

### Rare Plants:

White-topped aster	Aster curtus
Willamette daisy	Erigeron decumbens var. decumbens
Shaggy horkelia	Horkelia congesta
Bradshaw's lomatium	Lomatium bradshawii
Timwort	Cicendia quadrangularis

### Rare Animals:

Northwestern pond turtle	Clemmys marmorata marmorata
Fender's blue butterfly (Policy 3.23)	Icaricia icarioides fenderi

- (14)** Future fill within the Planned Transportation Corridors as shown on Wetland Designations Map (Map 3) shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. New roadway construction shall be limited to those projects listed in TransPlan as of August 10, 1992, excluding those projects listed in Appendix B; no other new roads or streets are permitted. Road widening and other improvements to existing roads or streets shall be limited to those listed in TransPlan (1992) or in an adopted capital improvement plan (CIP) as of June 30, 1998. Road widening and other improvements to existing roads or streets within wetlands designated for protection or restoration shall require an amendment of this plan to change the designation to "Planned Transportation Corridor" if the project is not listed in TransPlan (1992) or in an adopted CIP as of June 30, 1998. In no case shall more than 1 acre (cumulative) of protected wetland be re-designated to Planned Transportation Corridor for improvements to an existing road or street. (Policy 3.22)

*(Section 9.9660, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; administratively corrected June 5, 2003.)*

## **9.9670 West University Refinement Plan Policies.**

### **(1) Transportation and Parking Element.**

- (a) If additional multi-level parking structures are necessary, they should be designed for safety, efficiency, and compatibility with surroundings, taking into account the effect on residential areas, including traffic, visual, noise, and artificial lighting impacts, and design for possible later conversion to other uses should be encouraged. (Policy 6)
- (b) The use of bicycles should be encouraged in the following ways:
1. Businesses and major employers should provide secure, convenient covered bicycle parking.

### **(2) Public Facilities and Services Element.**

- (a) In the provision of services and facilities in the plan area, special recognition and consideration shall be given to the need for retaining and upgrading the livability of this densely populated and centrally located area that contains concentrations of persons with special needs, particularly renters, students, low-income persons, group home residents, handicapped persons, and the elderly. (Policy 5)
- (b) Adequate lighting for nighttime walking and bicycling and to reduce the

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- fear of crime shall be developed and maintained. (Policy 8)
- (c) Additional usable open space and recreation facilities shall be developed in the West University Neighborhood. (Policy 9)
- (3) Neighborhood Design Elements.**
- (a) Elements that enhance neighborhood identity, character, or the “image” of the plan area, as well as livability, shall be maintained and/or encouraged whenever possible. Examples include:
1. Murals.
  2. Small, intensely developed open spaces.
  3. Street trees.
  4. Street furniture.
  5. Waterways.
  6. Small-scale businesses including street vendors.
  7. Alley cottages.
  8. Older homes.
  9. Ornamental paving.
  10. A distinctive street lighting system.
  11. Solar energy.
  12. Mass transit use.
  13. Mixed-use buildings.
  14. Community gardens.
  15. Pitched roofs, wood-framed windows, wood exterior siding.  
(Policy 1)
- (b) Elements that are detrimental to neighborhood identity, character, and livability, such as large parking facilities and the use of motor vehicles, shall be discouraged. (Policy 2)
- (c) The City shall continue to implement a program of historic preservation to identify and restore structures and other landmarks of historic significance in the plan area. (Policy 3)
- (d) The City shall encourage preservation of existing older structures in the plan area that merit saving because of structural soundness or historic or architectural merit, using methods such as rehabilitation and housemoving. (Policy 4)
- (e) Design elements that encourage walking, such as pedestrian paths, street trees, benches, low-level lighting, trash cans, mailboxes, and planters shall be encouraged. (Policy 5)
- (f) Care shall be taken to maintain or improve pedestrian and bike crossings on streets that form edges or barriers. (Policy 6)
- (g) The City shall protect and enhance the Millrace and Amazon Creek. (Policy 7)
- (h) The City shall study the feasibility of connecting the Millrace and Amazon Creek with a canal that would provide opportunities for site repair, redevelopment, flood control, recreation, transportation, and improving the environment. (Policy 8)
- (i) The City shall recognize that in order to best use scarce open space in the plan area, certain streets shall be considered for recreational and other uses. **Note:** It will be necessary for the City to take specific steps to legally authorize the use of streets for non-transportation purposes and to minimize liability. (Policy 9)
- (j) Certain streets (see Street Design Map) will become a woonerf area and

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will be developed by the City or private developers for shared use by pedestrians, bicycles, and local automobile traffic. This concept will be implemented incrementally over time to test its feasibility. The woonerf treatments will not be applied to the bordering arterial streets — 18<sup>th</sup>, 13<sup>th</sup>, Patterson, and High — and thus will provide an incentive for traffic to use those arterials. The woonerf concept is not the same and should not be confused with street diverters or barricades. It will not restrict access to any area within its boundaries. Initial implementation could include:

1. Through automobile traffic should be limited or excluded; vehicles whose origin or destination is in the woonerf should be permitted.
2. Entrances and exits to the woonerf should be easily distinguishable from other streets, using more than just traffic signs.
3. The number of parking spaces may be restricted, but must be sufficient for the needs of the residents.
4. Recreation facilities such as basketball hoops, picnic facilities, and street games should be available to encourage diverse use of the public rights-of-way.

See also the [indented] note under Policy 9 in this element. (Policy 10)

- (k) If experience shows that the woonerf concept works in this neighborhood, then more extensive and permanent street treatments will be implemented as funding permits. These may include:

1. Permanent recreation facilities.
2. Roadways that are narrowed and identified by special paving with the passage of two cars permitted by the use of pull-out areas.
3. Design details and street furniture that serve the residents of the area.
4. Community gardens.
5. Clustered parking. (Policy 11)

**(4) Land Use - Housing and Commerce Element.**

- (a) The City shall develop mechanisms for shared planning and/or consolidation of small parcels under multiple ownership for development so that better site planning and use can occur. Results might include shared parking, better sun exposure for solar energy use, shared open space, and saving mature vegetation. (Policy 4)
- (b) Efforts shall be made to save existing structures that merit saving because of structural soundness and/or historical significance. (Policy 7)
- (c) Efforts shall be made to save existing residential structures in the plan area. These efforts shall include rehabilitation, housemoving, and infilling. (Policy 8)
- (d) The City will encourage residential uses in all parts of the plan area. The intent of this policy is to provide housing opportunities in all zoning districts in the plan area, but not to the exclusion of other uses in non-residential zones. (Policy 9)
- (e) The City and the neighborhood groups will encourage and promote owner occupancy in the plan area. (Policy 10)
- (f) The City shall encourage housing that is wheelchair-accessible. (Policy 13)

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- (g) The City shall prevent the number and scale of group care facilities from becoming so concentrated in the plan area that 1) the area loses its attractiveness as a residential setting and 2) the residents of group care homes are no longer living in a residential setting. (Policy 14)
- (h) The City will assist the health care and education industries to grow and to continue to provide services and employment to the extent allowed by balancing all City goals, recognizing that they are important contributors to the local economy. (Policy 19)
- (i) All new development in the R-4 zoned land north of 13<sup>th</sup> Avenue in the plan area shall be subject to site review so that it is efficient, workable, safe, compatible with surroundings, and considerate of historic and natural features. (Policy 21)
- (j) New clinics shall not be allowed in the residentially zoned areas south of 13<sup>th</sup> Avenue in this plan area. (Policy 22)
- (k) Commercially zoned property in the plan area shall be used more intensely in the future. (Policy 24)

*(Section 9.9670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9680 Westside Neighborhood Plan Policies.**

#### **(1) Land Use Element.**

- (a) Prevent erosion of the neighborhood's residential character. (Policy 1)
- (b) Support improving existing housing and reducing the number of substandard units. (Policy 2)
- (c) Encourage the concentration of commercial activities within the core of downtown and prevent the conversion of residentially zoned properties to non-residential zoning districts within the Westside Neighborhood. (Policy 3)
- (d) Recognize the important role neighborhood-oriented commercial uses play in meeting the needs of those living and working in the area. (Policy 5)

#### **(2) Land Use Element - Central Residential Area.** The City shall encourage actions that will preserve existing residential structures, including rehabilitation, block planning, infilling, and shared housing. (Policy 2)

#### **(3) Land Use Element - Central Residential Area.**

- (a) The City shall promote residential development that will provide a transition between retail and auto-oriented activities on West 7<sup>th</sup> Avenue and lower-density residential developments south of West 8<sup>th</sup> Avenue. (Policy 2)
- (b) The City shall encourage alley access and parking to occur in rear yard areas with special landscaping and other amenities provided along West 8<sup>th</sup> Avenue. (Policy 4)

#### **(4) Transportation and Traffic Element.**

- (a) Reduce the adverse impacts of traffic on arterial and collector streets that run through and on the edge of the Neighborhood. (Policy 2)
- (b) Examine possible solutions to traffic impacts in the Westside Neighborhood by evaluating the implications of changes made both in and beyond the neighborhood. (Policy 3)
- (c) Recognize the negative impacts that insufficient parking in and close to the Westside Neighborhood can have on the vitality of commercial activities and the character of residential areas within the Westside

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- Neighborhood. (Policy 4)
- (d) Improve and maintain bicycle and pedestrian facilities within the Westside Neighborhood and linking to other parts of the city. (Policy 5)
- (e) Encourage Lane Transit District to continue to provide bus service in the Westside Neighborhood. (Policy 6)
- (f) Recognize the importance of certain alleys for internal block circulation and access in the Westside Neighborhood. (Policy 7)
- (5) Neighborhood Character and Design Element.**
  - (a) Identify and encourage preservation of the significant cultural resources and unique features of the neighborhood including buildings, sites, structures, objects, street trees, and landscape features. (Policy 1)
  - (b) Promote landscaping in the public right-of-way that will 1) mitigate the adverse effects of motor vehicle traffic, 2) provide defined entrances to the neighborhood, and 3) foster the distinctiveness of various parts of the neighborhood. (Policy 2)

*(Section 9.9680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9690 Whiteaker Plan Policies.**

#### **(1) Neighborhood History and Character Element.**

- (a) Preserve existing trees on public land and right-of-way. (Policy 3)
- (b) Continue, enhance, and promote the street tree planting program. (Policy 4)
- (c) Inventory and promote protection of significant trees on private property. (Policy 5)
- (d) In evaluating proposed changes to the transportation systems that affect Whiteaker, consider the impacts on historic and character defining features of the neighborhood and design system that not only move traffic but link and reinforce elements of neighborhood character. (Policy 9)
- (e) Protect and enhance the natural characteristics of Skinner Butte and the Willamette River. (Policy 10)
- (f) Protect and enhance positive features of the neighborhood that help create a strong sense of neighborhood identity. (Policy 11)

#### **(2) Land Use Element.**

- (a) Use the land-use diagram and policies of this plan along with other City policies in making land-use decisions for the Whiteaker community. (Policy 1)
- (b) In areas designated for medium- or high-density residential use, allow single-family housing that can be rehabilitated to help maintain a variety of dwelling unit types and densities. (Policy 3)
- (c) Guide the use of public land in a manner that recognizes the needs of the public agency and yet also helps ensure compatibility between adjoining land uses. (Policy 6)
- (d) Recognize that about 3,000 residents live within one quarter mile of the railroad and are directly impacted by railroad operations and practices. (Policy 7)
- (e) Recognize the important link Monroe Street serves between residential portions of the Blair and Sladden neighborhoods, and encourage preservation of its mixed use character. (Policy 8)
- (f) Recognize the important link the 3rd/4th Avenue serves between the

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- residential areas around Skinner Butte and encourage surrounding land uses that will preserve natural, scenic, and historic resources in the area and prevent the road from becoming a high-speed thoroughfare. (Policy 9)
- (g) Increase efforts to preserve and rehabilitate existing housing resources, and minimize conversion to non-residential uses or demolition. (Policy 10)
  - (h) Explore and implement ways to increase owner-occupied housing within those portions of Whiteaker designated for residential use. Increase options/opportunities for purchase or home ownership to interested low-income renters. (Policy 11)
- (3) **Land Use Element, City Policies for Subareas, Blair Commercial Area - Subarea 1.** Recognize the Blair Commercial Area as appropriate for neighborhood-scale commercial uses and small-scale industrial uses. Encourage continued economic revitalization, preservation of historic resources, and building rehabilitation. (Policy 1)
- (4) **Land Use Element, City Policies for Subareas, West Blair Residential Area - Subarea 2.** Recognize the West Blair Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses. (Policy 1)
- (5) **Land Use Element, City Policies for Subareas, East Blair Residential Area - Subarea 3.** Recognize the East Blair Residential Area as being appropriate for medium-density residential use (up to 20 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses. (Policy 1)
- (6) **Land Use Element, City Policies for Subareas, Blair Industrial Area - Subarea 4.** Help protect residential areas close to the Blair Industrial Area from the impacts of industrial expansion and changes in use occurring within this area. Apply the site review /SR suffix on all industrially zoned parcels adjacent, across an alley, or across a street from property zoned low-density residential. (Policy 3)
- (7) **Land Use Element, City Policies for Subareas, Rose Garden Residential Area - Subarea 7.**
- (a) Recognize the Rose Garden Residential Area as primarily appropriate for low-density residential use (up to 10 units per acre), encourage home ownership and the preservation of sound historic properties, and discourage non-residential uses in areas planned for residential use. (Policy 1)
  - (b) Public Land currently in park use in this area shall not be converted to a motor vehicle parking lot. (Policy 5)
- (8) **Land Use Element, City Policies for Subareas, South Sladden Area - Subarea 9.** In the South Sladden area, encourage the retention of existing residential structures in this area or the moving of single-family structures that are in good condition or could be fixed up, to residential areas in Whiteaker rather than have the structures demolished. (Policy 5)
- (9) **Land Use Element, City Policies for Subareas, West Skinner Butte Residential Area - Subarea 10.** Recognize the West Skinner Butte Residential Area as appropriate for Medium-Density Residential use (up to 20 units per acre), encourage an increase in various types of home ownership,

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and promote new residential developments that are compatible with the Whiteaker neighborhood. (Policy 1)

- (10) Land Use Element, City Policies for Subareas, East Skinner Butte Residential Area - Subarea 12.** Particularly within the East Skinner Butte Historic District, encourage home ownership, preservation of historic structures and landscape features, and discourage non-residential uses. (Policy 3)

**(11) Transportation Element.**

- (a) Design any new arterial/bridge or major reconstruction of an existing arterial/bridge to minimize noise pollution, appropriately screen the facility from abutting properties, and minimize the negative impacts to nearby properties. (Policy 2)
- (b) Take steps to mitigate excessive noise on existing arterials and establish screening as needed. (Policy 3)
- (c) Encourage reduction of through traffic on non-arterial streets within the Whiteaker neighborhood. (Policy 4)
- (d) Maintain and improve the operation of the street system to facilitate circulation within the neighborhood. (Policy 5)
- (e) Improve traffic safety for the various modes of transportation either by implementing measures to separate different modes or to make shared travel lanes more functional, compatible, and safer. (Policy 7)
- (f) Continue to improve safe bicycle access to and throughout the Whiteaker neighborhood. (Policy 9)
- (g) Encourage the installation of bus shelters, especially near areas with concentrations of senior citizens or where there is high transit usage and limited opportunities for shelter during bad weather. (Policy 10)
- (h) Provide adequate pedestrian facilities for crossing of arterial streets at their points of greatest demand. (Policy 13)
- (i) Continue to install sidewalk access ramps at intersections within the Whiteaker area. (Policy 14)
- (j) Retain alleys and encourage their appropriate use as important elements of the transportation network. (Policy 15)
- (k) Enhance the function alleys and pedestrian ways currently perform as part of the pedestrian system. (Policy 16)
- (l) Recognize street trees as a significant public asset and help integrate where possible into the streetscape. Planting strips can soften the edge adjacent to residential areas and visually integrate residential and non-residential areas. (Policy 17)
- (m) Require property owners to replace removed street trees at the time of removal or during the next planting season, subject to adopted planting standards. (Policy 18)

**(12) Recreation Element.**

- (a) Develop, manage, and program parks in ways that minimize impacts on surrounding neighborhoods and minimize conflicts of use within parks. (Policy 5)
- (b) Support changes in traffic patterns that would minimize park automobile traffic impacting residential streets. (Policy 6)

*(Section 9.9690, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)*

### **9.9700 Willakenzie Area Plan Policies.**



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### **(1) Land Use Element - General Policies.**

- (a) The City shall use the Land Use Diagram and accompanying text and policies of the Willakenzie Refinement Plan, as well as other applicable City goals, policies, and plans, to provide policy direction for public decisions affecting the plan area. (Policy 1)
- (b) The City shall ensure that future commercial development and redevelopment in the Willakenzie planning area is sensitive to and compatible with existing and planned development in the surrounding area. (Policy 2)
- (c) Retain existing significant vegetation whenever possible to provide buffering between residential and nonresidential uses, as well as between low-density and higher density residential areas. (Policy 3)
- (d) Recognize Coburg Road, the Ferry Street Bridge, Beltline Road, Delta Highway, Interstate 5, and the Eugene-Springfield Highway (I-105) as designated entrance corridors to the city as identified in the adopted City of Eugene Entrance Beautification Study. (Policy 4)
- (e) Site review procedures or special development standards shall be considered for properties which abut or face one another, when the uses permitted on those properties are potentially incompatible. (Policy 5)
- (f) Minimize land use conflicts by promoting compatibility between low-density and higher-density residential land uses as well as between residential and nonresidential land uses. (Policy 6)
- (g) Mixed-use developments that combine living, working, and shopping opportunities shall be encouraged in the study area. (Policy 7)

### **(2) Land Use Element - Residential Policies.**

- (a) Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city. (Policy 1)
- (b) Ensure that development plans include street sizes adequate to meet future demands. (Policy 3)
- (c) Encourage a mixture of housing densities and types to address the housing needs of a diverse population. (Policy 4)
- (d) Encourage medium- and high-density residential uses in areas which have good access to commercial services, public open space, schools, parks, transit, and other alternative modes of transportation. (Policy 5)
- (e) Require that all new residential development adjacent to Beltline Road, Interstate 5, Delta Highway, and I-105 provide on-site noise buffering between the noise source and the new development. (Policy 6)
- (f) Berms that are used to fulfill a noise-buffering requirement shall be landscaped and irrigated with a permanent irrigation system. (Policy 7)
- (g) Promote compatibility between low-density residential land uses and medium- to high-density residential land uses. (Policy 8)

### **(3) Land Use Element - General Commercial and Industrial Policies.**

- (a) Minimize the impact of future neighborhood commercial development on adjacent residential uses through the application of Willakenzie Commercial Siting and Development Guidelines. (Policy 2)
- (b) Encourage the consolidation of parking lots, development of joint access, and use of access controls on commercial and industrial developments. (Policy 3)

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- (4) **Land Use Element - Central Region, Gilham Subarea.**
- (a) The parcels lying south of Goodpasture Island Road, currently occupied by Greer Gardens commercial nursery operation, shall be considered appropriate for medium-density residential development at the time that the property owner wishes to redevelop. In the event that redevelopment of the site occurs, vehicular access to the medium-density development shall be limited to the northeastern end of the site, across Goodpasture Island Road from Ridgeway Drive. (Policy 1)
  - (b) Expansion or redevelopment of the neighborhood grocery at the northwest corner of Cal Young and Fir Acres shall conform to Willakenzie Commercial Siting and Development Guidelines and shall be limited to the existing tax lot. This site shall also be limited to Neighborhood Commercial zoning. (Policy 2)
- (5) **Land Use Element - Central Region, Sheldon Subarea.**
- (a) Encourage development that consolidates parcels into cohesive development sites and limits the number of access points onto Coburg Road. (Policy 1)
  - (b) The existing commercial developments at the northeast and southeast corners of Coburg and Willakenzie Roads shall not be expanded beyond their existing boundaries. (Policy 6)
- (6) **Land Use Element - Central Region, Harlow Subarea.** The City shall require that medium-density residential development on the east side of Coburg Road, between Tandy Turn and Bailey Lane and between Adkins Street and Elysium Avenue, is developed in a manner that promotes compatibility between low-density and medium-density uses, enhances the visual character of Coburg Road (a designated Entrance Corridor), and limits traffic conflicts on Coburg Road and local streets. (Policy 2)
- (7) **Land Use Element - Central Region, Willagillespie Subarea.**
- (a) The City shall require noise buffering and/or other noise attenuation features for all new residential development abutting I-105 and Delta Highway. (Policy 1)
  - (b) The City shall encourage infilling of large, vacant residential parcels and residential parcels which have not yet been developed to their fullest capacity in order to accomplish a compact urban growth form. (Policy 2)
  - (c) The City shall ensure that new development and redevelopment occurring on the flanks of Gillespie Butte will be accomplished in a manner that affords maximum preservation of the natural character of the butte, and is sensitive to topographic constraints, soil conditions, views to and from the butte, and the need for public access to the butte. (Policy 3)
  - (d) The City shall provide a pedestrian access to Gillespie Butte prior to new development occurring on the western and southern flanks of the butte. (Policy 10)
- (8) **Land Use Element - North Region, Delta Subarea.**
- (a) The City shall encourage site development practices which promote compatibility between commercial/general office uses and residential uses. (Policy 2)
  - (b) The City shall allow access to commercial- and general office-zoned land only from arterial and collector streets. (Policy 3)
  - (c) The City shall encourage development that consolidates parcels into

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cohesive development sites and limits the number of access points onto Green Acres Road. (Policy 4)

### **(9) Land Use Element - North Region, Unincorporated Subarea.**

- (a) The City shall require future developments on parcels abutting the UGB to provide an effective transition between urban and rural land uses. This transition is intended to minimize potential conflicts with adjacent agricultural uses and sand and gravel operations. (Policy 2)
- (b) The City shall require that access to the future school site on the east side of Coburg Road and the future school building itself be oriented toward the existing residential street systems rather than Coburg Road. (Policy 3)
- (c) The City shall limit access points along both sides of County Farm Road, north of the present city limits. Encourage construction of a local residential street system to provide access. (Policy 5)
- (d) The City shall recognize the Northwest Pipeline District Offices (located along the east side of North Game Farm Road) as a nonconforming use. The site shall be exempt from the nonconforming use requirements of the Eugene Code so that the use may continue to operate. Future expansion of the use by Northwest Pipeline will be limited to the tax lot on which the offices are currently located (Tax Lot 1503 — Assessor's Map 17-03-09-00). The site and surrounding area shall be considered appropriate for low-density residential use. (Policy 6)
- (e) The City shall acknowledge the potential for development of residential/mixed-use neighborhoods in the Unincorporated Subarea. (Policy 11)
- (f) Residential mixed-use developments shall be a minimum of 30 acres in size and a maximum of 160 acres in size. (Policy 14)

### **(10) Land Use Element – North Region, Coburg/Crescent Subarea.**

- (a) The City shall recognize the area south of Crescent Avenue north of and west of Shadow View Drive, as depicted on Inset Map D as “Summer Oaks – Crescent Center” as appropriate for the expansion of Neighborhood and Community Commercial development. The Neighborhood Commercial portion of Summer Oaks – Crescent Center shall not exceed 7 acres in size. Uses in the neighborhood commercial area are intended to serve the day-to-day shopping and service needs of residents and employees of the surrounding area. The Community Commercial portion of Summer Oaks – Crescent Center shall be zoned C-2/SR/ND Community Commercial with site review and nodal development overlays. Through the PUD approval process, the City may allow the uses and development intensities on the Community Commercial portion of Summer Oaks – Crescent Center to vary from the previously approved uses, provided that the developer demonstrates, based on the Institute of Transportation Engineers' Trip Generation Manual, that the p.m. peak hour trips generated by the proposed uses will be less than or equal to 213.

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- If requested and otherwise approved as part of a PUD application, the City may reduce the minimum floor area ratio (FAR) within the C-2 zoned portion of Summer Oaks – Crescent Center to .70. (Policy 2)
- (b) The city of Eugene shall ensure that industrial development in the Coburg/Crescent subarea is sensitive to and compatible with surrounding uses and will conform to the Coburg/Crescent Special Light Industrial Siting and Development Standards. (Policy 3)
  - (c) The City shall recognize that the area adjacent to the north side of Crescent Avenue, designated as Commercial on the Willakenzie Coburg-Crescent Subarea Land Use Diagram shall be zoned General Office. (Policy 6)
  - (d) The City shall encourage the development of commercial uses which provide direct services to employees and residents of the surrounding areas. Examples include restaurants, financial institutions, day-care centers, health clubs, grocery stores, delicatessens, drug stores, and recreational facilities. As part of an approved PUD, a drive-through facility may be permitted, but only for pharmaceutical prescription dispensing or financial services. (Policy 7)
  - (e) Commercial uses are appropriate and desirable within residential planned unit developments when services provided are of a type that will fulfill the day-to-day shopping and service needs of area residents and when those services are to be utilized primarily by the population of northeast Eugene (north of Beltline Highway and east of Gilham Street). Vehicle-oriented services including, but not limited to, service stations, repair garages, and drive-in restaurants shall not be permitted in residential PUD commercial areas. (Policy 8)
  - (f) The land use plan diagram for the Coburg/Crescent Subarea indicates general locations for parks/open space and low-, medium-, and high-density residential uses. The City shall allow for the consideration of a different arrangement of residential and park/open space uses subject to the following criteria:
    - 1. Provision shall be made for an eastern access to the School District 4J school site;
    - 2. Provision shall be made for a park site immediately adjacent to the 4J school site;
    - 3. Low-density residential uses shall border North Game Farm Road;
    - 4. The future parks site must have adequate street frontage (as determined by the City);
    - 5. High - density residential development proposed for areas to the east of the Kinney Loop subdivision and west of Crescent Meadows subdivision must be sensitive to the low-density residential development within these subdivisions, while allowing for the development of the site; and
    - 6. Provision shall be made for design elements which ensure compatibility between residential and industrial land uses. (Policy 9)
  - (g) The City shall recognize the area on the north side of Crescent Avenue east of Coburg Road, as depicted on the Willakenzie Land Use Diagram, as appropriate for high-density residential development. (Policy 10)

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- (h) The City shall allow development of clinics or other medical facilities in that portion of the Coburg/Crescent Subarea that is designated for high-density residential use, subject to an approved planned unit development. (Policy 11)
- (i) The City shall apply the C-2 Community Commercial with a /PD Planned Unit Development overlay zone to the area along the north side of Crescent Avenue designated as Commercial Mixed Use in the Coburg-Crescent Subarea. (Policy 12)
- (j) Development of the area depicted as “Crescent Village” on Inset Map D (page 65) shall only be permitted pursuant to a single final PUD that includes a master plan for all property within the Crescent Village boundaries. The City shall apply the /PD Planned Unit Development overlay zone to all property within the Crescent Village boundaries, and remove the /SR Site Review overlay. (Policy 13)
- (k) Except as provided in this Policy, the intensities of uses otherwise permitted within the Crescent Village boundaries shall not exceed any of the intensities listed in Table 1.

**Table 1**  
**Crescent Village Maximum Permitted Land Use Intensity**

Development Type	Maximum Intensities
Apt/Rowhouse/Condo*	631 dwelling units
Specialty Retail*	32 KSF
Shopping Center (commercial)	115 KSF
Grocery Store (supermarket)	50 KSF
General Office	102 KSF
Medical-Dental Office	30 KSF

KSF = 1,000 square feet

\*Includes 4 flex unit buildings of 4,000 square feet per building – retail, office or living space permitted.

As part of a PUD approval, the City may vary the allowed intensities from those in Table 1 if the developer demonstrates based on the Institute of Transportation Engineers’ Trip Generation Manual: (a) those proposed uses and intensities are otherwise consistent with the applicable zoning and land use standards; and (b) the projected peak hour trips from the combination of the proposed uses will be less than or equal to 845 trips into the Crescent Village area and 885 trips out of the area. (Policy 14)

- (l) If requested as part of an application for development, the City shall reduce the minimum floor area ratio (FAR) within the Crescent Village boundaries to .40 for the commercially zoned portion of that area. (Policy 15)
- (11) Land Use Element - South Region, Ferry Street Bridge Subarea.** The City shall encourage site development practices which promote compatibility between high-density residential land uses and the Q Street Floodway and

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Autzen Stadium. (Policy 1)

### (12) Land Use Element - South Region, Chase Gardens Subarea.

- (a) The City shall not require development of historic properties, but shall allow for eventual development of these sites as high density residential, with limited commercial opportunities, at the owners' discretion. Rezoning to Historic District is encouraged as an alternative to the standard high density residential/mixed use zone. (Policy 1)
- (b) New development abutting historic properties shall provide an effective transition between urban and rural uses, recognizing the high density nature of the new development. New buildings facing the historic ensemble from across Garden Way should emulate the architectural forms and materials of the historic residences. (Policy 2)
- (c) The City shall recognize Garden Way north of Centennial Boulevard as appropriate for a neighborhood-oriented commercial center. Commercial land uses shall be sized to allow a full range of retail and commercial services for area residents, as well as offices and employment opportunities, but not encourage significant travel from outside the area. (Policy 3)
- (d) Development within this area shall provide street and pedestrian connections to facilitate movement between residences and the commercial center, but arranged in such a way that cut-through traffic from outside the node is not encouraged. (Policy 6)
- (e) Zoning shall reflect the area's planned park site and existing government uses (e.g., EWEB substation). In the event public use of either of these sites is discontinued, the preferred replacement use is high density residential. (Policy 7)
- (f) Development adjacent to I-5 or I-105 shall be designed to reduce noise to Uniform Building Code standards and visual impacts of the automobiles with sound buffering walls, building design, earth form, vegetation, or setbacks. (Policy 8)
- (g) A pedestrian or bike path should be developed between Kinsrow and Garden Way using the narrow property that extends through the Historic Ensemble. In the long term, if the adjacent historic properties develop, this access way should be expanded into a local street connection between Kinsrow and Garden Way, if possible. (Policy 9)
- (h) Development shall be sensitive to the area's natural features, such as mature trees, windrows, remnant orchards, and the Q Street Channel. (Policy 10)
- (i) Upon annexation and prior to land division or development, properties located along or east of Garden Way shall rezone to S-CN Chase Node Special Area Zone. (Policy 11)

### (13) Transportation Element.

- (a) The transportation network within the Willakenzie Area shall be planned and designed to ensure: a) preservation of existing neighborhoods; b) an adequate system of arterials and collectors for the efficient movement of through traffic; and c) the preservation of the use of local streets for local traffic. (Policy 1)
- (b) The City shall maintain and encourage the safe and efficient operation of major streets by limiting private, direct access to those streets where necessary. (Policy 2)

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- (c) The City shall continue to provide direct access from Coburg Road to the Kinney Loop subdivision via Kinney Loop. If in the future access onto Coburg Road from Kinney Loop becomes a hazard, the City shall consider the addition of an access point to the Kinney Loop area via Crescent Avenue. This additional access to Kinney Loop off Crescent Avenue should be to provide access to the Kinney Loop subdivision only and should not connect through to other areas. (Policy 3)
  - (d) The City shall provide for improvements to designated entrance corridors, including those in County and State jurisdictions, in conjunction with construction or reconstruction projects affecting those streets. (Policy 4)
  - (e) The City shall work with major developers and employers to ensure that transportation demand management strategies are incorporated into their facilities planning and operations. (Policy 5)
  - (f) The City shall work with developers to provide and participate in transportation mitigation measures which are necessary to resolve direct traffic impacts resulting from new development. Mitigation measures could include such things as traffic control signs, traffic signals, street widenings, turn lanes, and other access improvements. (Policy 6)
  - (g) To the greatest extent possible, the City shall encourage regional and intercity traffic to use major rather than minor arterials. (Policy 7)
  - (h) The City shall work with developers and the State of Oregon to ensure that noise attenuation is provided for existing and proposed residential developments along State highways when improvements are made to those roads. (Policy 8)
  - (i) The City shall require new residential developments occurring along State highways and streets identified as Traffic Noise Control Corridors to use appropriate siting and design techniques to bring the development into compliance with State and Federal noise standards. (Policy 9)
  - (j) As street lights are installed on major streets, the City shall consider the impacts of light intrusion on residences adjacent to those streets. (Policy 11)
  - (k) The city shall continue to require sidewalks to be constructed in all newly developed areas. (Policy 13)
  - (l) Sidewalks shall not be installed on local streets within existing developed residential areas unless a majority of property owners are supportive or unless traffic conditions materially change to create a safety problem. (Policy 14)
  - (m) The City shall provide for the creation of a network of bicycle and pedestrian amenities to encourage bicycling and walking, reduce reliance on the automobile, and alleviate or delay congestion and other traffic problems. (Policy 19)
- (14) Public Facilities and Services Element - Natural Drainage.**
- (a) Encourage development practices that reduce the need for construction of an extensive subsurface storm sewer system. (Policy 1)
  - (b) Encourage growth and development patterns that are compatible with natural features and discourage the alteration of natural features. Relocation of natural drainage features may be considered as an alternative to replacement with a closed pipe system. (Policy 2)

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- (c) Encourage measures that will improve the quality of storm-water runoff discharged into local waterways. (Policy 3)
- (15) Public Facilities and Services Element - Water and Electric Services.**  
The City shall work with EWEB to continue support for placing utility lines underground. (Policy 2)
- (16) Neighborhood Design Element - Neighborhood Gateways.**
  - (a) Encourage the development of symbolic 'gateways' to the Willakenzie area through the effective use of landscape materials in areas indicated on the Neighborhood Gateways map. (Policy 1)
  - (b) Encourage the Eugene Water & Electric Board and other utility providers to relocate utility lines underground in areas designated as neighborhood gateways on the Neighborhood Gateways map. (Policy 2)
- (17) Neighborhood Design Element - Natural Resource Area Protection.**  
Significant wetland, riparian, waterway, and upland sites in the Willakenzie area shall be protected from encroachment and degradation in order to retain their important functions related to fish and wildlife habitat, flood control, sedimentation and erosion control, water-quality control, and groundwater pollution control. (Policy 1)
- (18) Neighborhood Design Element - Historic Preservation.** The City shall identify and encourage preservation of significant historic and cultural resources including buildings, sites, structures, objects, agricultural landscapes, and other landscape elements in the Willakenzie area. (Policy 1)

*(Section 9.9700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20267, enacted November 12, 2002, effective March 3, 2003; Ordinance No. 20302, enacted November 10, 2003, effective December 10, 2003; Ordinance No. 20305, enacted December 3, 2003, effective January 2, 2004; and Ordinance No. 20395, enacted October 25, 2007, effective November 24, 2007.)*

### **9.9710 Willow Creek Special Area Study Policies.**

#### **(1) Land Use.**

- (a) Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures. The plan diagram locations for the approximately 92.8 acres of medium density residential and 10.2 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary provided the acreage of each designation and zoning district remains within 10%, and the change is consistent with the purpose of the regulations adopted in the future for this area. (Policy 3)
- (b) The City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:
  - 1. Properties with elevation and slope, soil and geologic conditions which fit criteria identified in Eugene's South Hills Study for applying PUD procedures; and



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2. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project. (Policy 4)
- (2) Transportation.**
- (a) Through appropriate mechanisms, proposed developments shall be encouraged to respond to an overall transit, bicycle, and pedestrian system for the Willow Creek Basin. (Policy 2)
  - (b) Bicycle facilities will be designed to connect with other major routes outside the Willow Creek Basin, in order to provide residents and employees with this transportation option for daily and recreational travel needs. (Policy 3)
  - (c) Major employment and commercial center proposals shall plan for convenient, covered on-site bicycle parking as an integral part of a parking program. (Policy 4)
  - (d) Through appropriate mechanisms, proposed developments shall be encouraged to provide adequate transit access. (Policy 5)
  - (e) The City of Eugene shall work with major employers to establish and implement ongoing paratransit programs. (Policy 6)
  - (f) Development proposals within the urban growth boundary shall be reviewed to ensure adequate access to the adjacent properties within the urban reserve area. (Policy 7)
  - (g) A carefully planned collector street system providing access from residential, commercial, and industrial areas to arterial streets shall be developed for the Willow Creek Basin. (Policy 8)
  - (h) In the Crow Road Study Area, safety and circulation improvements at the intersection of Crow Road and W. 11th Avenue will be needed as the area develops. Transportation system level issues will be addressed by the transportation system plan according to the type of development anticipated by the comprehensive plan. Development-specific impacts will be addressed by individual developers in accordance with the city's traffic impact analysis requirements. (Policy 9)
  - (i) In the Crow Road Study Area, north-south and east-west collector streets will be needed to serve the area, such as extension of Pitchford Avenue and Ed Cone Blvd. (Policy 10)
- (3) Off-Site Public Facilities.** Analysis shall be conducted and appropriate measures taken to deal with urban level storm run-off from the Willow Creek Basin. (Policy 3)
- (4) Environmental.** Acquisition, transfer of development rights, public easements and dedication to the public are mechanisms which shall be used to protect a continuous corridor along the entire length of the Basin ridgeline, including properties above the 800-foot elevation contour. The same mechanisms shall be employed to pursue protection of an interconnecting environmental/recreational/storm drainage system throughout the Basin. (Policy 2)

*(Section 9.9710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20535, enacted July 9, 2014, effective August 10, 2014.)*

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