

Summary of Land Use Code Amendments For April 16, 2021 Public Hearing

The ordinance for public hearing includes the re-adoption of those changes approved by the City Council in 2020 that have been subsequently affirmed (or otherwise validated) through the legal appeal process and adoption of additional code changes that are required due to orders of the Land Use Board of Appeals or the Oregon Court of Appeals since the City Council's 2020 action.

- (1) Re-adoption of all the code changes that were included in the 2020 ordinance (which is no longer in effect) as follows:
- A. Changes the term “secondary dwelling” to “accessory dwelling” throughout the code
 - B. Clarifies that an “accessory dwelling” is regulated differently than an “accessory building”
 - C. Replaces the City’s definition of “secondary dwelling” with the State law’s definition of “accessory dwelling” provided at ORS 197.312(5)
 - D. Adds “Accessory Dwellings” use category as an explicitly permitted use in the following zones:
 - AG Agricultural
 - R-2 Medium Density Residential
 - R-3 Limited High-Density Residential
 - R-4 High Density Residential
 - S-E Elmira Road Special Area Zone
 - S-HB Blair Boulevard Historic Commercial Special Area Zone
 - E. Adds language to the S-JW Jefferson Westside Special Area Zone and S-C Chambers (R-2 Subarea) Special Area Zone to clarify that, in the code provisions for these zones, any dwelling that meets the definition of “accessory dwelling” will continue to be referred to as a “one-family dwelling”
 - F. Applies the R-1 Low Density Residential zone standards for accessory dwellings to accessory dwellings in the following zones:
 - AG Agricultural
 - R-2 Medium Density Residential
 - R-3 Limited High-Density Residential
 - R-4 High Density Residential
 - S-E Elmira Road Special Area Zone
 - G. Removes regulations that require either the primary dwelling or the accessory dwelling to be the principal residence of the property owner
 - H. Removes regulations that regulate dog keeping differently for lots with accessory dwellings

- I. Removes, from some zones, regulations that require on-site parking for accessory dwellings and removes or revises regulations that regulate the development of required parking for accessory dwellings
- J. Increases building height/sloped setback inflection point from 8 feet to 10 feet (meaning the accessory dwelling can now be 10 feet in height at the interior yard setback, before sloping up to the maximum height)
- K. Removes barriers to above-garage accessory dwellings and accessory dwellings on sloped lots by adjusting standards to building height and interior setback
- L. Removes some prohibitions on accessory dwellings on flag lots

(2) Adoption of additional code changes (that were not included in the 2020 ordinance) to amend to amend or remove code provisions that were invalidated by rulings of the Oregon Court of Appeals in *Kamps-Hughes v. City of Eugene* as follows:

- A. Allows, where not addressed in the 2020 ordinance, an accessory dwelling for each single-family dwelling allowed by the code, including on alley access lots and flag lots
- B. Removes regulations that include accessory dwellings in maximum density calculations
- C. Removes regulations that prohibit ADUs based on lot area or lot dimensions
- D. Removes regulations that limit the number of people that can occupy an accessory dwelling or a property that includes an accessory dwelling
- E. Removes, where not addressed in 2020 ordinance, regulations that require on-site parking for accessory dwellings