

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:

Broad Zone Category	Zone	
Agricultural	AG	Agricultural Zone
Commercial	C-1	Neighborhood Commercial Zone
	C-2	Community Commercial Zone
	C-3	Major Commercial Zone

Table 9.1030 Zones		
Broad Zone Category	Zone	
	C-4	Commercial/Industrial Zone
	GO	General Office Zone
	PL	Public Land Zone
Government and Education	PL	Public Land Zone
Industrial	I-1	Campus Industrial Zone
	I-2	Light-Medium Industrial Zone
	I-3	Heavy Industrial Zone
Park and Open Space	NR	Natural Resource Zone
	PRO	Park, Recreation, and Open Space Zone
Residential	R-1	Low Density Residential 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-DW	Downtown Westside 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

(Section 9.1030, 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.)

9.1040 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
/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; and amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

9.1045 Reclassification of Prior Zones. The zoning classifications shown in Table 9.1045
Reclassification of Zones are reclassified effective August 1, 2001.

Old Zone Title	New Zone Title
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

(Section 9.1045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

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 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.

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

(Section 9.1240, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

BASE ZONES
9.2000 - 9.2795