

D*R*A*F*T PROPOSED STANDARDS

V15 JULY 12, 2009

HERITAGE AREA – JEFFERSON AND WESTSIDE, R-2 (HA-JWR2) SPECIAL AREA ZONE STANDARDS

Comments that are [*bracketed italics*] are informational and not part of a specific standard.

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1. Purpose of the HA-JWR2 (Heritage Area – Jefferson and Westside, R-2) Special Area Zone

The HA-JWR2 (Heritage Area – Jefferson and Westside, R-2) Special Area zone is intended to:

1. Protect and maintain healthy, existing residential neighborhood areas by ensuring compatible design for residential infill development in terms of lot patterns, use, development intensity, mass, scale, orientation, setback, open space, and other elements to complement positive patterns in the existing neighborhood;
2. Accommodate future growth within the encompassed neighborhood areas without eroding the areas’ residential character (as defined in EC 9.0500) and livability.
3. Promote stability in the neighborhood by allowing an appropriate increase in residential density with an appropriately balanced mix of single-dwelling, duplex, and multi-dwelling residential development that contributes positively to the predominant residential patterns that arose when the neighborhood was built out, while not destabilizing these areas by encouraging major residential redevelopment.

In the JWR2 area, the historical reference pattern is predominantly detached, single-dwellings; small duplexes and small accessory dwelling units (ADUs);

4. Manage the density and intensity of development so it doesn’t exceed the “carrying capacity” of the area. In ecosystems, “carrying capacity” is the number of individuals an environment can support without significant negative impacts to the given organism or its environment. In this standard, the term is used to mean the maximal density and intensity of development that can occur without fundamentally replacing the essential character of the encompassed area (i.e., by redevelopment).

[Note: In the “Chambers Reconsidered” project, the staff and consulting team applied the term to an area very similar to HA-JWR2 and defined it as “the maximum density which can be supported without significant change of character of this neighborhood.”]

5. Create transitions between higher intensity residential and commercial land uses adjacent to HA-JWR2 areas and lower intensity residential areas adjacent to HA-JWR2 areas, in terms of density, mass and scale, setbacks, building facades, and open space;
6. Establish, strengthen, and maintain a high quality urban environment with compatible commercial and residential development;
7. Promote a safe and appealing environment for pedestrians and bicyclists, including individuals of all ages and abilities, particularly by preventing dominance of automobile use over pedestrian and bicycle use on local streets and alleys;
8. 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;
9. Provide for a range of dwelling types, tenures, density, sizes and costs, including by encouraging the preservation of existing small lots and small, affordable, single-dwelling, detached homes, as well as by encouraging new, smaller and affordable, detached, single-dwellings and duplexes;
10. Implement clear and objective standards that support the above purposes, while allowing for alternative discretionary standards to provide additional flexibility for compatible residential development.

2. HA-JWR2 Special Area Zone applicability

- a. Area: see “Heritage Area – Jefferson and Westside, R-2 (HA-JWR2)” on the map dated Mmmmm DD, 2009, which accompanies this standard.

3. Definitions

[Note: The following terms are already defined in EC 9.0500, and are included here just for informational purpose.]

- **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 dwellings or other main buildings will be located is from the alley.

- **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.

- **Living Area.**

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

- **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:

i. Any part of a structure without a roof.

ii. Roof eaves.

iii. 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.

- **Vehicle Use Area**

Parking spaces, driveways, interior roadways, loading areas, and fleet vehicle storage areas.

For purposes of the standards in this zone, the following definitions shall apply.

TERMS RELATED TO LOTS AND LOT CONFIGURATION

a. Street-fronting lot

A lot or parcel that abuts a street for at least the minimum distance that would satisfy applicable lot standards.

b. Lot Line Segment

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.)

c. Lot Line

Unless otherwise defined in these standards, a lot line is single lot line segment, or an uninterrupted series of connected lot line segments.

d. Interior Lot Line

Any portion of a lot line that does not abut a street or alley.

TERMS RELATED TO DWELLINGS AND BUILDINGS

e. Residential Building

A building that contains one or more dwellings.

f. Non-residential Building

A building that contains no dwellings.

TERMS – MISCELLANEOUS

g. Driveway

A surface area that is intended, prepared, or used for vehicle access to and about a lot.

3a. Permitted uses

Except for the following uses, which are not permitted, the permitted uses are as listed under the “R-2” column of Table 9.2740.

- a. Correctional Facility, excluding Residential Treatment Center
- b. Except on the tax lots identified as Neighborhood Commercial *[need to complete the specification for the two lots]*, C-1 Neighborhood Commercial Zone uses are not permitted, unless specifically listed elsewhere under the “R-2” column in Table 9.2740.

3b. Development Standards Applicable in the HA-JWR2 area

Purpose:

- On commercially-zoned lots, allow two story neighborhood commercial structures with adequate setback from adjacent properties and apply this special area zone’s standards for maximum dwellings. Otherwise, apply C-1 zone standards.
- On residentially-zoned lots, apply the standards specified by this special area zone. For those elements not covered by these standards, apply R-2 zone standards.

a. For lots within HA-JWR2 identified as Neighborhood Commercial.

Except as provided in subsections i and ii, below, the development standards applicable to the tax lots identified as *[need specification of the two C-1 lots in some form, e.g. on the map]* shall be those set out in EC 9.2170 to 9.2181 for the C-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 9.6995.

- i. Maximum dwellings per lot are as specified in Section 5 Dwellings Per Lot of HA-JWR2.
- ii. Setbacks from all portions of interior lot lines 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 the lot line.

b. For all lots except those identified in section a, above.

Except as provided in HA-JWR2, the development standards applicable in the HA-JWR2 area 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.

3c. Interpretation of Development Standards Applicable in the HA-JWR2 area

The following interpretations shall be used in applying the standards in this zone.

a. Lot and Parcel

For purposes of the standards in this zone, “lot” and “parcel” are used interchangeably in all cases, and both terms mean a “Legal Lot,” as defined in EC 9.0500.

4. Lot standards

Purpose

- Maintain lots’ characteristic, highly regular, generally rectangular shape and ranges of dimensions, frontage and size.
- Prevent irregular lot partitions created to circumvent the intent of lot configuration, access and density standards.
- Prevent erosion of interior open space by significant loss of longer, generally rectangular, street-to-alley lots.
- Encourage affordable home ownership and rental with development of small, single-dwelling, detached houses on small lots, including allowing new alley-access-only lots.

- Other than new alley-only-access lots and “small lots” limited to one dwelling, prevent lot partition, and lot line adjustments that are intended primarily to increase the number of dwellings allowed on the affected lot(s) before reconfiguring the lot. (For example, due to the “round up” calculation in current Eugene Code.)
- While allowing new small lots, avoid over-fragmentation of established lot pattern and loss of open areas.
- Ensure existing development conforms to maximum dwelling standards when lots are divided

[Note: Lot configuration standards apply to new lots created by dividing an existing lot and to lot line adjustments that change the shape of one or more lots. Existing lots that do not meet the standards are “grandfathered” in and can be developed according to the other applicable standards.]

a. Lot configuration

- i. Street or alley abutment, vehicle access and parking.

A lot must meet all the following conditions:

- A. Abut a street or alley for at least a continuous 45 feet.

[Note: Model Code recommends 40’ for SF detached and 50’ for duplex and multi-family.]

- B. Have the capacity for legal and practicable vehicle access to the portion of the lot on which the dwellings or other main buildings will be located.
- C. Have the capacity to satisfy vehicle parking requirements for one dwelling, or all existing dwellings on the lot at the time the lot is created, whichever is greater.

- ii. Rectilinear shape (lot line segments meet at right angles).

- A. All lot line segments must be straight lines and intersect at right angles (90 degrees).

- B. Exceptions

1. 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.
2. An angle between 45 and 135 degrees is allowed where a new lot line intersects a lot line segment that existed prior to the date these standards were adopted and the existing lot line segment did not intersect both its adjoining lot line segments at right angles.

[Note: This case covers division of an existing lot that isn’t rectilinear.]

- iii. Minimum lot area.

- A. Alley-access-only lot: 2,250 s.f.

- B. Other “small lot”: 2,250 s.f.

- C. Other lots: 4,500 s.f.

[Note: Model Code recommends 4,000-5,000 for SF detached and 5,000-7,000 duplex or ADU and 6,000-9,000 for multi-family.]

- iv. Maximum lot area.

Purpose: Preserve small lots for affordable, single-dwelling home ownership, while providing adequate area for appropriately-scaled, multi-dwelling development (e.g., “courtyard cottage development”).

- A. Maximum lot area is 13,500 s.f.

- v. Minimum area for development and setbacks.

A lot’s boundaries must be sufficient to fully encompass a rectangle of the following size:

- A. Alley-access-only lots: 45’x35’

- B. Other lots: 45’x45’

- vi. Minimum lot interior dimension.

The minimum distance between any two non-intersecting lot line segments is 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.

b. Alley-access-only lots.

- i. Alley-access-only lots are permitted. A new alley-access-only lot may be created only when all the following conditions are met:
 - A. The original lot from which the alley-access-only lot is created must abut a street for at least a continuous 45 feet and must be at least 6,750 s.f.
 - B. Only one alley-access-only lot may be created from any portion of a lot that exists as of the date these standards are adopted.
[Note: Prevent multiple lot divisions to create multiple alley-access-only lots.]
 - C. A new alley-access-only lot must include the entire portion of the original lot’s lot line that abuts the alley.
[Note: The other lot created by the partition may not also abut the alley. Prevents alley-access development (via a “flag pole” from the alley) on the other part of the original lot.]

c. Small lots

- i. “Small lots” that are at least 2,250 s.f. and less than 4,500 s.f. are permitted. A new “small lot” may be created only when all the following conditions are met:
 - A. The original lot from which the “small lot” is created must abut a street for at least a continuous 45 feet and must be at least 6,750 s.f.
 - B. Only one “small lot” may be created from any portion of a lot that exists as of the date these standards are adopted.

d. Flag lots.

Flag lots are not permitted.

[Note: In the encompassed area, flag lots serve little, if any, useful purpose that isn’t covered by “small lots” and alley-access-only lots. A flag lot’s “pole” creates negative impacts from on site vehicle use and loss of arable surface area.]

e. Lot line adjustments.

- i. Any portion of a lot line that existed entirely in its current location as of the date these standards are adopted may be adjusted up to 5 feet, measured perpendicularly from the lot line portion’s current location, provided that all other requirements of this Section 4 and EC 9.8400 through EC 9.8420, Property Line Adjustments, have been met.
 - A. A lot line adjustment allowed under this section may be up to 10 feet if the adjustment is necessary to accommodate an encroachment that existed at the time these standards were adopted.
[Note: Allows minor lot line adjustments to deal with existing encroachments, etc. The JWR2 area is fully built-out and lot configurations have been stable for decades. Thus, the need for significant lot line adjustments is minimal.]

5. Dwellings per lot

Purpose

- Allow increases in existing density levels *consistent with protection of the neighborhood character and stability.*
- Encourage:
 - Future development to be compatible with the neighborhood character, including scale and intensity of development.
 - Home ownership.
 - One- and two-dwelling residential buildings.
 - Healthy greenscape and “urban forest.”
 - Safe, pedestrian- and bicycle-friendly streets and sidewalks.
- Limit the number of dwellings per lot to levels that are commensurate with the area’s carrying capacity, so as to:
 - Avoid substantial negative impacts on residents and tenants resulting from significant increase in development intensity on adjacent lots.
 - Avoid excessive traffic on the neighborhood streets and alleys, which would diminish the safety and appeal of the area’s sidewalks for pedestrians, and which would diminish the safety and appeal of local streets for bicyclists.

- Preserve sufficient arable surfaces, both on the street and in the interior of blocks, to support a healthy greenscape, including large trees that constitute the established “urban tree canopy.”
- Prevent exceeding the capacity of existing infrastructure, including streets, alleys, water mains, sanitary sewers, and storm sewers.
- Inhibit wholesale transformation (i.e., redevelopment) of blocks from the current harmonious mixture of owner-occupied homes and compatible rentals to a mass of multi-dwelling apartments.

a. For the purposes of calculating the number of dwellings on a lot, as used in this section, the following rules apply

- i. A dwelling with three or fewer bedrooms counts as a single dwelling.
- ii. A dwelling with five or fewer bedrooms that is the only dwelling on a street-abutting lot that is at least 4,500 s. f. counts as a single dwelling.
- iii. A dwelling that is one of exactly two dwellings, which together have a total of six or fewer bedrooms, on a street-abutting lot that is at least 4,500 s.f. counts as a single dwelling. At least one of the two residential buildings must have a front facade that faces a street and is within the street maximum setback.
- iv. For all other dwellings, every three bedrooms shall be counted as one dwelling. Fractional dwelling counts resulting from this calculation shall be rounded up to the next whole number, e.g. a total of four bedrooms counts as two dwellings.

[Examples:

- *One five-bedroom dwelling on a lot counts as one dwelling.*
 - *A four-bedroom dwelling and a two bedroom dwelling count as two dwellings.*
 - *A five-bedroom dwelling and a two bedroom dwelling count as three dwellings (2 + 1).*
 - *Two four-bedroom dwellings on the same lot count as 3 dwellings (8/3, rounded up)]*
- v. Dwelling counts shall be recalculated for any new development whenever there is an increase in the number of dwellings or bedrooms on a lot and a new, expanded or existing dwelling would have four or more bedrooms.

The proposed change shall not be permitted unless the new dwelling count will comply with all applicable standards in this section.

b. Minimum dwellings per lot:

- i. Lots less than 13,500 s.f.:
No minimum.
- ii. Lots 13,500 s.f. or larger:
One dwelling for each 6,750 s.f.
There is no rounding. E.g., a 20,249 s.f. lot requires a minimum of two dwellings.

c. Maximum dwellings per lot.

- i. Alley-access-only lots: One dwelling.
- ii. Other lots:
 - A. Except as provided in sections B through E, below, one dwelling per 4,500 s.f.
There is no rounding, e.g., a 17,999 s.f., lot may have 3 dwellings
 - B. Lots less than 2,250 s.f.:
 1. No additional dwellings beyond dwellings that exist on the lot at the time this standard is adopted.
 - C. At least 2,250 s.f. and less than 4,500 s.f. One dwelling.
 - D. At least 4,500 s.f. and less than 9,000 s.f.: Two dwellings.
 - E. Dwellings in addition to those allowed under subsections ii.A and ii.D are allowed, as provided in subsections 1 and 2 when all conditions in subsection 3 are met.
Purpose: Provide for additional “cottage-scale” dwellings.

1. Lots at least 9,000 s.f. and less than 13,500 s.f.: One additional dwelling.
2. Lots at least 13,500 s.f.: Up to two additional dwellings.
3. Required conditions:
 - a) All residential buildings on the lot must meet the following conditions:
 - 1) Have no more than two dwellings, and no dwelling may have more than three bedrooms.
 - b) Any dwelling added to the lot after these standards were adopted or that is in excess of the number of dwellings allowed on the lot under subsection ii. A through D must:
 - 1) Have no more than 800 square feet of living area; and
 - 2) Have no part of the building (other than chimney) higher than 18 feet.

d. Multi-lot development sites

Purpose: Preserve small lots for affordable, single-dwelling home ownership and rental.

- i. 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).
- ii. A multi-lot development site cannot include an alley-access-only lot or a lot less than 4,500 s.f.

[Note that adjacent lots, including alley-access-only lots and small lots, can still be developed in a coordinated fashion, However, each alley-access-only lot or small lot is treated as its own development site and must meet the standards for alley-access-only lot or small lot respectively.]

6. Setbacks

Purpose

- Encourage massing of higher parts of a structure further away from adjacent properties.
- Discourage large walls that “loom” over adjacent homes and yards.
- Protect privacy of adjacent properties.
- Protect solar access and wind circulation of adjacent properties.
- Protect viewscape of residents and the general sense of openness in rear yards, despite relatively dense development.
- Encourage structures’ visual appearance that’s compatible with structures in the JWR2 subarea.

a. Terms used

For purposes of this section, the term “generally parallel” shall mean within 30 degrees of parallel, and the term “generally perpendicular” shall mean within 30 degrees of perpendicular.

b. Alley and Street Setbacks.

- i. Alley minimum setback.

Except as provided under subsection iii, all buildings shall be set back a minimum of the distance specified in subsections A and B from any portion of a lot line that abuts an alley and from any alley right-of-way easement.

A. Residential buildings. 5 feet.

1. All intrusions allowed by EC 9.6745 (“Setbacks-Intrusions Permitted”) and not explicitly covered by other provisions of this zone, are allowed. No intrusion may penetrate more than two feet into the setback.

B. Other structures. 2 feet.

1. No intrusions are allowed.

- ii. Street setback.

A. Residential buildings.

1. Minimum setback:

- a) Except as provided under subsection iii, all residential buildings shall be set back a minimum of 15 feet from any portion of a lot line that abuts a street and from any street right-of-way easement.
- b) The minimum setback can be reduced to one of the following measurements, but to no less than 10 feet:
 - i. The average setback to the widest portion of the front facades of dwellings on adjacent properties

that face the same street, or

ii. Where there are not two such dwellings, one half the sum of 10 feet plus the setback to the widest portion of the front facade of the nearest dwelling on a different property that faces the same street.

[Note: Model Code is 15'.]

c) All intrusions allowed by EC 9.6745 (“Setbacks-Intrusions Permitted”) and not explicitly covered by other provisions of this 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.

2. Maximum setback on a street-fronting lot that is not an alley-access-only lot:

a) At least one residential building shall 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 abutting the street or easement that the main facade faces.

b) The maximum front yard setback can be increased to one of the following measurements, but to no more than 35 feet:

i. The average setback to the widest portion of the front facades of dwellings on adjacent properties that face the same street, or

ii. Where there are not two such dwellings, one half the sum of 30 feet plus the setback to the widest portion of the front facade of the nearest dwelling on a different property that faces the same street.

c) On a corner lot (i.e., a lot that 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 the residential building meets the following conditions:

1) The residential building has a main entry that meets the requirements in 12.a.i with respect to a different street and complies with the 15 foot minimum street setback requirement with respect to that street; and

2) No dwelling in the residential building has a main entry within the extent of the façade to which the 10 foot setback applies.

B. Garages and other non-residential buildings shall meet the following minimum setback requirements:

1. 21 feet from any portion of a lot line that abuts a street and from any street right-of-way.

2. On all lots except alley-access-only lots: 6 feet behind the street-facing facade that is furthest from the street of the residential building closest to the street that the garage or other building faces.

c. Interior Yard Setbacks.

See draft [Figure 9.3065\(3\)\(b\)2.b and c.](#)

Except as provided in iii through vi of this subsection:

i. 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.

[Note: For most situations, this basically says that within 60’ of the street, the setback rises 12’, and then slopes inward. The complex specification at the beginning is to cover corner lots.]

ii. Setbacks from all other portions of interior lot lines, not covered in subsection i., 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.

[Note: For most situations, this basically says that beyond 60’ from the street, the setback rises 8’, and then slopes inward. This requires shorter structures and/or greater distance from the adjacent property than what’s allowed in the front of the lot.]

Note for cases where there is an alley-access-only lot behind a lot accessible only from the street. The lot line between these two lots is an interior lot line and has a sloped setback. In addition to permitted intrusions, additional intrusions are allowed as an exception, with the agreement of the adjoining property owner.]

iii. All intrusions allowed by EC 9.6745 (“Setbacks-Intrusions Permitted”) and not explicitly covered by other provisions of this zone, are allowed.

A. The maximum extent of allowable intrusions into the sloped portion of a setback shall be measured horizontally from the sloped plane of the setback.

B. 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.

[Note: Intrusions such as bays (but not eaves or fences) should be at least 10 feet from buildings on adjacent properties or allowed intrusions of buildings on other lots.

The 2’ allowed intrusion into side yards should not allow bays (for example) to be only 6’ apart on adjacent lots.]

iv. On a street-fronting lot that is not an alley-access-only lot, a residential building with a gabled or hipped roof and a main roof 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.

See draft [Figure 9.3065\(3\)\(b\)2.e Interior Yard Setbacks \(Gables\)](#).

v. 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:

A. Has at least 4 square feet of window(s) in the end (face) wall.

B. Has a minimum setback of 7 feet from interior lot lines and is a minimum of 10 feet from structures on other lots.

C. Maximum width.

1. 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.

2. 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.

D. 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.

See draft [Figure 9.3065\(3\)\(b\)2.f](#).

vi. Exceptions.

A. Structures may intrude into the sloped portion of any interior yard setback as long as all owner(s) of property(ies) within 25 feet horizontally of the respective setback intrusion provide written permission (i.e., an irrevocable use easement) stating the extent and nature of the allowed intrusion.

B. 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 owners of the respective lots provide written permission (i.e., an irrevocable use easement) stating the extent and nature of the allowed intrusion. Intrusions allowed under this subsection must still satisfy the setback requirements for other lot lines.

[Note: Subsection B doesn’t require other property owners who may be within 25’ to grant an easement; however, the sloped setbacks for other interior lot lines would still apply.]

C. Under both subsections A and B, a 10’ setback from all buildings on adjacent lots is still required.

vii. Easements. Easements are allowed as provided in EC 9.2751(7).

d. Window Setback above First Floor.

See draft [Figure 9.3065\(3\)\(b\)3 \(Windows\)](#).

- i. Windows above the first floor shall be setback a minimum of 10 feet from interior lot lines.
- ii. 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 generally parallel to the respective lot line abutting the street, are excluded from this setback requirement.

7. Maximum building height

Purpose

- Encourage current prevailing building heights in the neighborhood (max of two stories).
- Prevent excessively high structures, especially adjacent to backyards.

a. Maximum building height.

- i. Residential buildings:
 - A. 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:
 1. For any section of a roof that has at least a 6:12 pitch for the entire roof section: 30 feet.
[Note: Model Code is 28-30 feet for LDR and 30-35 feet for MDR (measured to highest point).]
 2. Otherwise: 18 feet.
 3. 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.”
 - B. The maximum height of any part of a residential building not covered under Section A is 18 feet.
 - C. Chimneys on residential buildings may exceed the maximum height limits by no more than 5 feet.
- ii. The maximum height of any part of a garage or other non-residential building is 15 feet.
- iii. The height of any part of a structure shall be measured as its vertical distance above grade.

8. Lot coverage and Open space

Purpose

- Account fully for lot coverage by significant areas of impermeable and non-arable surfaces, as well as structures.
- Preserve adequate arable greenscape area, including sufficient areas to support large trees.
- Preserve adequate and *sustainable* permeable surface area for ground-filtering rain water. Avoid overloading storm sewers and increasing waterborne flow of harmful substances into sewers that flow into local rivers.
- Encourage compatibility with typical JWR2 area development, which has minimal lot surfaces covered by driveways, on-site parking, and turnarounds, etc. Prevent excessive vehicle-oriented surface area.
- Provide adequate outdoor open space for both residents on the property and as a contribution to the collective open space on a block.

a. Maximum lot coverage

The maximum lot coverage is 50 percent of the total lot or development site area.

[Note: Model Code is 40-50% for SF and 50-60% for duplex and MF.]

b. Maximum vehicle use area

The maximum area covered by vehicle use areas, paved or unpaved, including (but not limited to) driveways, on-site parking and turnarounds, is 20 percent of the total lot or development site area.

c. Common and Private Open space

- i. All developments of three or more dwellings (as counted under Section 5.a) shall include a combination of common and private open space that equals or exceeds the greater of the following two areas:

A. At least 20% of the development site area

[Note: On a small lot (2,350 s.f.), the minimum frontage (45') x minimum street setback (15') = 525 s.f., which is 23% of the lot size. And therefore meets this requirement, as well as ii, below.]

B. At least 25% of total living area

ii. Common open space may include any of the areas listed under EC 9.5500(9)(a)(1) and (2). No indoor area may be counted as common open space.

A. The minimum area for any common open space shall be 250 square feet.

B. The boundaries of any area counted as common open space must be sufficient to encompass a square with 15 foot sides.

iii. Private open space shall be provided as required in EC 9.5500(9)(b).

iv. Open space credit shall be allowed *only* as stated in EC 9.5500(9)(c)2 (setback and landscaping areas at least 15 feet wide).

[Note: The EC 9.5500(9)(c)1 credit for nearby parks is not allowed.]

d. There are no exemptions, exceptions, waivers, variances or adjustments to these standards.

[Note: Avoids current exception when density is close to max allowed. Also avoids ill-defined and unlimited adjustment.]

9. Roof form

Purpose

- Discourage flat, mansard, and other main roof forms that are out of character with the almost universal use of double-pitched roofs in established JWR2 structures.
 - Encourage massing of higher parts of a structure further away from adjacent properties.
 - Allow adjustment for a small, one-story, dwelling that is the only residential building on a lot to have a roof that does not meet this standard. This allows additional options for small-scale, affordable development.
- a. All roof surfaces on residential buildings, other than as provided for porches and dormers, shall have a minimum pitch of 6:12 .
 - i. Exceptions.
 - A. A lesser roof pitch is allowed if it is no less than the median roof pitch of the residential buildings on lots within the HA-JWR2 zone and within 300 feet of the subject lot. (See EC 9.3065(23)(d).)
 - B. For a residential building that is the only dwelling on a lot, up to 1,000 s.f. of roof surface that is not higher than 15 above grade at any point may have a lesser roof pitch.
 - b. Residential building porches meeting the following criteria are not required to have a sloped roof:
 - i. Porches less than 100 square feet
 - ii. Porches on the rear (i.e., side opposite a street) of the building closest to the street.
 - c. Residential building dormers meeting the following criteria are not required to have a sloped roof:
 - i. Dormers less than 10' wide, as measured at sidewalls or maximum roof opening, whichever is greater.
 - ii. On a street-fronting lot that is not an alley-access-only lot, dormers on the rear (i.e., side opposite a street) of the residential building closest to the street.
 - d. Garages and non-residential buildings in the following categories shall have a minimum roof pitch of 6:12:
 - i. Buildings over 200 square feet in area.
 - ii. Buildings over 100 square feet that have any part of the building over 12 feet high, as measured from grade.

10. Alley development standards

Purpose

- Assure that alley development does not overload a block's carrying capacity for vehicle traffic on the alley.
- Assure that alley development doesn't cause excessive loss of arable surfaces in the interior of blocks.

- Assure aggregate alley vehicle traffic does not diminish the safety and attractiveness of the intersected sidewalks and streets for pedestrians and bicyclists.
- Encourage affordable home ownership with alley-access-only lots.
- Encourage dwellings on the alley to have a “street-orientation” to the alley (e.g., “streetscape” and “eyes on the street”).

See draft [Figure 9.3065\(2\)\(c\)1](#).

a. Primary Vehicle Access.

For the purposes of this section, “primary vehicle access” means the primary means by which inhabitants access a dwelling or on-site parking space(s) provided for a dwelling, with a vehicle. Primary vehicle access is determined as follows:

- i. On an alley-access-only lot: All dwellings’ primary vehicle access is the alley.
- ii. For lots other than alley-access-only lots:
 - A. On a lot that has legal and practicable vehicle access from an alley to the portion of the lot on which the dwellings or other main buildings will be located:
 1. When there is only one dwelling on the lot: The dwelling’s primary vehicle access is the street.
 2. When there are multiple dwellings on the lot:

For each legal, on-site parking space that can only be entered from, and exited to, a street (i.e., cannot use the alley for entry or exit), one dwelling can be 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.

This calculation may be adjusted. (See “General Adjustments” section.)
 - B. On other lots: All dwellings’ primary vehicle access is the street.

b. For all dwellings that use any portion of an alley for primary vehicle access.

- i. The dwelling may not have more than three bedrooms.
- ii. The residential building closest to the alley shall include a main entry that is visible from the alley and meets one of the following conditions:
 - A. Faces the alley; or
 - B. Faces the side of the lot and opens onto a covered porch that has a minimum of 30 square feet between a wall facing the alley and the alley; or
 - C. Faces the side of the lot and meets all the following conditions:
 1. The entry opening is no more than 8 feet from the building façade facing the alley and nearest the alley.
 2. The entry provides direct resident access to a head-in parking area on the same side of building.
 3. The entry 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.
- iii. No more than one dwelling on the same development site may take primary vehicle access from an alley unless that site also abuts a street that the alley intersects.
- iv. One on-site parking space, accessible from the alley, per dwelling is required. There are no exemptions, exceptions, waivers, variances, or adjustments to this standard.
- v. There must be at least an undivided, 400 s.f. open space area (not including buildings, parking or driveways) abutting the alley. Except as provided in (vi), below, the open space area shall abut the alley for at least 25% of the length of the lot line abutting the alley; be a minimum of 10 feet in depth for the entire extent that the open space area abuts the alley; and may include areas that are within setbacks.
- vi. Alley open space required in (v), above, may be placed behind parallel parking abutting the alley.

11. Small lot standards

Purpose

- Assure that small lot development is harmonious with surrounding development
- Encourage affordable home ownership with small lots.
 - a. **For lots less than 4,500 s.f.**
 - i. All standards at EC 9.2770 Small Lot Standards For R-2, R-3 and R-4 Zones apply, except where other provisions in this zone provide differently.
 - ii. No dwelling may have more than three bedrooms.

12. Front entry, garage door, driveway standards and parking standards

The purposes of these standards include:

- Ensure a visual connection between the living area of the residence and the street or alley;
- Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
- Provide a more pleasant pedestrian environment by preventing large expanses of vehicle oriented areas and blank facades along streets and alleys.

a. Main Entries.

- i. On a street-fronting lot that is not an alley-access-only lot, the residential building closest to the street shall include a main entry that is visible from the street and meets one of the following conditions:
 - A. Faces the street
 - B. Faces the side of the lot and opens onto a covered porch that has a minimum of 30 square feet between a wall facing the street and the street.
- ii. On corner lots with multiple residential buildings, all residential buildings shall include a main entry that meets the requirements of section i.
- iii. Exception. Where three or more dwellings have ground-level entries 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.

b. Garage Door Standards.

- i. Garage door widths.
 - 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, 1 garage door 18 feet wide and 8 feet high or 2 garage doors 9 feet wide and 8 feet high, are permitted.

c. Driveway Standards.

In lieu of any conflicting standards in EC 7.400 *et seq.* Access Management, the following standards shall apply:

- i. Street Access Driveway Curb Cuts and Width. Driveways that are accessed from a street must meet all the following requirements:
 - A. No more than one curb cut per lot is allowed on each street the lot abuts.
 - B. 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.
 - C. The maximum driveway width for a single-car garage is 12 feet.
 - D. 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.
 - E. 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.

[*Note: Mitigates double-width driveways across the sidewalk in front of multi-lot developments.*]

- F. 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.
 - 1. Exception: One private walkway, no wider than 4 feet within 5 feet of the driveway, may terminate at the driveway.
- G. 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 of a street and an alley, two curb cuts and driveways are allowed as long as both curb cuts and driveways meet the following conditions:
 - 1. There must be at least 30 feet between the two curb cuts.
 - 2. Each curb cut must be at least 5 feet from any curb cut on an adjacent lot.
 - 3. 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.
 - 4. 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.
- ii. Alley-Access Driveway Width. The maximum driveway and/or parking area width is 15 feet within 30 feet of any portion of a lot line that abuts the alley.
- iii. Adjustment. The driveway width standards in this subsection (c) may be adjusted based on the criteria in the “General Adjustments” section.

d. Parking Standards.

- i. For each dwelling, one on-street or on-site vehicle parking space is required for every three bedrooms, rounded up to the next whole number.
 - A. Each uninterrupted twenty feet of lot line that abuts a street right-of-way where parking is legal and practicable within the twenty feet abutted by the property line counts as one on-street parking space. The twenty feet may not include any portion of a curb cut.
- ii. 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.
- iii. There shall be no reduction in these parking requirements.
- iv. There are no exemptions, exceptions, waivers, variances or adjustments to this standard.

[Note for reference: EC Table 9.6410 requirements: College Dorms and Campus Living Organizations – 1 space for every 3 beds.]

13. Adjustments

Purpose:

- Provide for limited adjustments to standards consistent with the purpose of each standard for which an adjustment is allowed. Adjustments are intended to address special circumstances or forms of development that are not otherwise allowed by the regular standard.
- As far as practicable, provide clear and objective criteria for adjustments.
- a. **For the purpose of adjustments, specific criteria must be established to assure compliance with the purpose of the HA-JWR2 zone.**

[Note that discretionary adjustments are allowed under the State’s “needed housing” requirements.]

b. General adjustments are allowed as follows:

i. Driveway width.

An additional two feet is allowed to any portion of a driveway from the street, as long as the following conditions are met:

- A. The additional driveway area 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 is not practicable to place in, or move to, a different location that does not create an obstacle.

- B. The extent and width of the additional area allowed under this adjustment is the minimum necessary to accomplish the objective under i.A, above.

ii. Means of primary vehicle access.

- A. A dwelling considered to have its primary vehicle access from the alley, according to subsection 10.a.ii, may be considered to have its primary vehicle access from the street if the property owner can demonstrate there is no practicable means for a vehicle to park (legally or illegally) on any part of the lot by accessing the lot from the alley.
- B. If an adjustment under this subsection is granted and future development on the lot results in the condition in ii.A. no longer being met, the primary access of the dwelling shall be redetermined based on the new conditions and the development must comply with applicable standards

~~**e. Design approval adjustments are allowed as follows:**~~

[Note: This section will be dealt with under the City's "Alternative Paths" or "Opportunity Siting" initiatives.]

14. Additional provisions

Purpose:

- Assure existing non-conforming development can be maintained as long as the extent or degree of nonconformity is not increased.

a. Non-conforming development.

[Note: This section is still undergoing review to identify which items are already covered by current code provisions.]

- i. A non-conforming lot configuration is not required to be brought into conformance (as far as lot configuration) when structures on the lot are added or altered.
- ii. Development that does not conform to lot coverage and open space requirements must be brought into conformance with lot coverage and open space standards only when any additional dwelling is created or the number of bedrooms in any dwelling is increased to four or more.
- iii. Development that does not conform to driveway and parking requirements must be brought into conformance with driveway and parking standards only when any additional dwelling is created or the number of bedrooms in any dwelling is increased to four or more or when proposed development would otherwise result in:
 - A. Any existing driveway or parking area becoming non-conforming with standards with which the driveway or parking area previously complied; or
 - B. An increase in the extent or degree of non-conformance by any existing driveway or parking area.
- iv. 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 the date these standards are adopted without having to be brought into conformance.

~~**b. Infrastructure improvement cost recovery.**~~

[Note: This section will be dealt with under the City's efforts on alley standards and/or street assessments.]