PROPOSED STANDARDS

FEBRUARY 10, 2009

/HA-JWR2

HERITAGE AREA – JEFFERSON AND WESTSIDE (R-2 SUBAREA) NEIGHBORHOOD STABILIZATION OVERLAY ZONE STANDARDS

The following sections present a proposal for lot and development standards that cover a "heritage" area in the Jefferson and Westside neighborhoods. The JWR2 area includes most of the lots zoned R-2 within the **Jefferson Westside Neighborhood** (JWN) boundaries and east of Polk Street.

For the past twenty years, incompatible infill has been a serious, increasing threat to this area's livability and stability, primarily because the number of dwellings allowed on a lot by the R-2 zone has roughly tripled since this area was built out with single-dwelling houses, modest duplexes, and small accessory dwelling units (ADUs; e.g., "granny cottages"). Two other factors have contributed to the problem of incompatible infill: R-2 development standards now allow much larger structures and smaller setbacks than originally, and the applicable refinement plan policies to maintain the neighborhood character of these areas have been rendered essentially moot by a number of land use decisions.

The JWR2 area is highly similar to the S-C/R-2 subarea in the Chambers Special Area Zone (which is also in the JWN, west of Polk Street) in development history, neighborhood character, and problems arising from incompatible infill. For a more detailed description, see ***Chambers Reconsidered – A Citizens Guide to Potential Design Guidelines for a Mature Neighborhood***[1]. During the City's "Chambers Reconsidered" project, which was conducted during 2004-2005, the character, infill issues, and appropriate lot and development standards of the S-C/R-2 area[2] were extensively studied and documented by JWN residents in the project area, Eugene Planning Division staff, and several design and land use consultants working on the project. The project work is documented in two reports available on the JWN Web site:

Chambers Reconsidered – Promoting Compatible Development in a Mature Neighborhood Goals[3]

Chambers Revisited Neighbors' Report (November 1, 2005)[4]

The proposed standards for the JWR2 area draw upon this prior work, as well as the two governing refinement plans and accompanying findings adopted by City Council, also available on the JWN Web site at:

Westside Neighborhood Plan (1985-1987) *and* ***Appendix***

Jefferson/Far West Refinement Plan (1980-1982) and ***Appendix***

[1] Authored by: Allen Lowe, Project Manager, City of Eugene Planning Division; Greg Brokaw AlA, John Rowell AlA, Howard Davis, Chad Kirkpatrick, Martha Bohm from Rowell Brokaw Architects; and Ronald Kellett, Professor of Landscape Architecture at University of British Columbia.

[2] The S-C/R-2 subarea was called the "East Traditional Neighborhood" (ETN) during the Chambers Reconsidered project.

[3] Authored by: Allen Lowe, Greg Brokaw, and John Rowell, See previous footnote for their affiliations.

[4] Authored by JWN residents who were members of an *ad hoc* group known as Chambers Area Families for Healthy Neighborhoods (CAFHN).

Chambers Reconsidered Project Report

Project goals, applicability, and key principles

"Along with broader planning goals, the compatibility goals for this project, defined in the Transportation and Growth Management grant agreement that funded this project are:

- To promote the efficient and harmonious use of residential and commercial lands within Eugene's existing neighborhoods
- To promote the maintenance of the Study Area's residential character
- To provide a greater degree of certainty to property owners, developers, and neighborhood residents about the form and visual characteristics of infill and redevelopment projects within the Study Area

"… While this project was focused on the Chambers Study Area, the grant agreement recognized that this work could serve as a model for other, similar areas of the City. (1-1)

"… the traditional neighborhood has less capacity for redevelop-ment without substantial change in character. … The key to addressing this concern, and to promoting compatibility in this mature neighborhood, has been to determine the actual 'carrying capacity' – the maximum density which can be supported without significant change of character – of this neighborhood, and to create workable standards that maintain this capacity." (1-4)

"… larger scale attached multi-unit housing is incompatible with the primarily detached dwelling unit character found in the ETN." (p. 1-6)

In addition there has been extensive JWN community participation in the following projects and processes closely related to infill compatibility issues:

- Downtown Area Housing Policy Analysis (2001-2005)
- Jefferson neighborhood "Area 15" Metro Plan and refinement plan redesignation (2005-2006)
- Minor Code Amendments Process (MiCAP, 2006-2008)
- Infill Compatibility Standards (ICS) process (2007-ongoing)
- Opportunity Siting (OS) process (2007-ongoing)

More information on community involvement is available on the JWN Web site at: jwneugene.org/infillstds .

In many of the sections below, excerpts from the ***Chambers Reconsidered – Promoting Compatible Development in a Mature Neighborhood Goals*** staff and consultant report are included to help explain the basis for the proposed standards. (These excerpts are titled "Chambers Reconsidered Project Report.") For each category of standards, the goals are listed, and there are additional citations, as well as comments to help clarify the intent and effects of the standards. Comments that are [*bracketed italics*] are informational and not part of a specific standard.

1. Purpose

The /HA-JWR2 overlay 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 without eroding the encompassed area's 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 single-dwelling, detached dwellings, small duplexes, and small accessory dwelling units (ADUs);

4. Create transitions between higher intensity residential and commercial land uses and lower intensity residential areas, in terms of density, mass and scale, setbacks, building facades, and open space;
5. Establish, strengthen, and maintain a high quality urban environment with compatible commercial and residential development;
6. 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;
7. 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;
8. Provide for a range of dwelling types, tenures, density, sizes and costs, including by encouraging the preservation of existing small and affordable, single-dwelling, detached homes, as well as by encouraging new, smaller and affordable, detached, single-dwellings and duplexes;
9. 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 Overlay Zone applicability

a. Area (see map at http://jwneugene.org/Maps/JWR2ZoneMap.pdf **)**

b. Except as provided in the following sections, the lot and development standards for lots with a /HA-JWR2 overlay designation shall be those for the base zone, as well as General and Special standards applicable to the base zone.

3. Definitions

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

GENERAL TERMS

a. "Portion of"

Unless otherwise defined, the term "portion of" shall be interpreted consistently with the following qualifications:

i. A portion of a line is a line (not a point) that lies entirely along the referenced line and is shorter than or equal to the referenced line.

ii. A portion of an area is an area (not a line or a point) that is wholly contained within the referenced area and is smaller than or equal to the referenced area.

b. Generally parallel

Unless otherwise defined, the term "generally parallel" shall be interpreted to mean within 30 degrees of parallel.

c. Generally perpendicular

Unless otherwise defined, the term "generally perpendicular" shall be interpreted to mean within 30 degrees of perpendicular.

TERMS RELATED TO LOTS AND LOT CONFIGURATION

d. Lot and Parcel

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

e. Alley-Access-Only Lot/Parcel

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.

[*As adopted under the MiCAP amendment. This item can be dropped from the overlay when the MiCAP amendment is effective.*]

f. Street-Accessible Lot

A lot or parcel with legal and practicable vehicle access from a street to the portion of the lot on which the dwellings or other main buildings will be located.

g. Alley-Accessible Lot

A lot or parcel with 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.

h. 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.

[*As adopted under the MiCAP amendment. This item can be dropped from the overlay when the MiCAP amendment is effective.*]

[Notes on the following definitions related to lot lines: The JWR2 area is generally flat; and in the JWR2 area most lots abut a street or alley from which there is vehicle access, and most lots have an obvious "front," "rear" and two "sides." (Corner lots have two potential "fronts"; however most dwellings face the shorter of the two sides abutting a street.) Most lots have boundaries comprised of straight lines that intersect at right angles.

The definitions related to lot lines are somewhat involved to account for existing irregular lots. The lot configuration standards attempt to prevent creation of additional irregular lots.]

i. 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.

j. Lot Line

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

k. Front Lot Line

A lot has a single front lot line, which is defined as follows:

i. The front lot line of an alley-access-only lot is the longest portion of a lot line that abuts an alley for the entire length of the portion of the lot line.

   In the case of a lot line segment that abuts an alley for only part of the lot line segment's length, only that portion of the lot line segment that abuts the alley is considered part of the front lot line.

ii. The front lot line of a street-accessible lot that abuts a single street is the longest portion of a lot line that abuts the street for the entire length of the portion of the lot line.

   In the case of a lot line segment that abuts a street for only part of the lot line segment's length, only that portion of the lot line segment that abuts the street is considered part of the front lot line.

iii. The front lot line of a street-accessible lot that abuts multiple streets is the shortest of the possible front lot lines (as defined under subsection ii) on the abutted streets.

iv. For other lots, the front lot line is the longest portion of a lot line abutting, for the portion of the lot line's entire length, an easement that provides vehicle access to the lot.

   In the case of a lot line segment that abuts an easement for only part of the lot line segment's length, only that portion of the lot line segment that abuts the easement is considered part of the front lot line.

   If there is no easement, the front lot line is the shortest lot line segment that generally parallels a street and is nearest to a street.

v. If multiple lot lines satisfy the applicable definition above for a particular lot, the property owner may designate any one of the candidates as the front lot line. (For example, a perfectly square, corner lot will have two equal length candidates for a front lot line.)

When the owner designates the front lot line for any purpose under this code, that same front lot line shall be used for all subsequent purposes under this code.

[*Note: Different front lot lines can't be selected for different purposes.*]

l. Rear Lot Line

A lot has a single rear lot line, which is the longest lot line that defines the lot boundary generally parallel and opposite the front lot line.

[*Note that a rear lot line will abut an alley on lots that run from a street to an alley. Also, since the front and/or rear lot lines may comprise multiple line segments, the depth of a lot measured from the front lot line to the rear lot line may vary.*]

m. Side Lot Line

A lot has two side lot lines, which are the lot lines that connect the front lot line to the rear lot line.

[*Note that a side lot line will abut a street or alley for lots that are on the corner of two streets or a street and an alley.*]

n. Interior Lot Line

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

o. Street Setback Area

An area defined by the Street Setback minimum standard; i.e., the portion of the lot behind the lot lines abutting a street from which structures are generally excluded.

TERMS RELATED TO DWELLINGS AND BUILDINGS

p. Dwelling

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

[*See also: Definition of Single Room Occupancy (SRO) Residence regarding calculation of number of dwellings.*]

[*Commonly used synonyms: Dwelling unit; unit (where context doesn't indicate a different use of the word).*]

q. Single-dwelling

A detached, residential building designed or used for exactly one dwelling, which is not an SRO Residence.

[*Commonly used synonyms: Single-family dwelling; One-family dwelling*]

r. Duplex

A detached, residential building, other than a row-house, designed or used for exactly two dwellings, neither of which is an SRO Residence.

[*Commonly used synonyms: Duplex dwelling; duplex building*]

[*Note: The HA-JWR2 standards do not distinguish "secondary dwellings."*]

s. Row-house

A residential building designed or used for multiple, side-by-side dwellings that share common walls between dwellings, none of which is an SRO Residence, and in which each dwelling occupies its own lot.

t. Row-house Dwelling

One of the dwellings in a row house.

u. Multi-dwelling Building

A residential building, other than a row house, designed or used for more than two dwellings, including SRO Residences.

v. Multi-dwelling Development

A lot or development site with more than two dwellings of any type.

w. Residential Building

A building that contains one or more dwellings.

[*Commonly used synonym: Residential Structure*]

x. Non-residential Building

A building that contains no dwellings.

[*Commonly used synonym: Non-residential Structure*]

y. Single Room Occupancy (SRO) Residence

A building or portion of a building with at least one kitchen and containing at least four residential rooms for occupancy by individuals, whether related or not. Occupants of each room in an SRO Residence have access to the kitchen(s). Each occupancy room in an SRO Residence is without a private kitchen, but may have provision for counter-top appliances and refrigerator. Toilet(s) and/or bath(s) may be private or shared by SRO Residence occupants. Within each SRO Residence, three occupancy rooms shall count as one dwelling for purposes of calculating dwellings per lot, residential density, or for any other standard that references the number of dwellings, unless otherwise indicated in these standards. Fractional dwelling counts resulting from this calculation shall be rounded to the next whole number, e.g. four SRO Residence rooms counts as two dwellings.

i. Exceptions:

On a development site that is at least 4,500 square feet:

A. One residential building that has five or fewer residential rooms for occupancy by individuals and meets one or more of the following criteria is counted as a single dwelling when it is either:

1. The only residential building on the development site; or

2. One of exactly two detached residential buildings and has a front facade that faces a street and is within the street maximum setback.

B. A dwelling that has no more than nine residential rooms for occupancy by individuals and that is owner-occupied (as certified under "R-1 secondary dwellings") is counted as a single dwelling.

C. When additional residential buildings or residential rooms for occupancy by individuals are added to a development site, the dwelling count shall be recalculated for the new development conditions, notwithstanding any prior qualification of residential buildings under an exception in subsection A or B.

[*Note that exception (A) allows one residential building to have up to five bedrooms, when it's the "primary" dwelling (with zero or one additional dwelling). The exceptions in (A) are intended to exclude "normal" homes with a large number (up to 5) of bedrooms. Subsection A.2 is necessary in the HA-JWR2 zone because many lots allow a second dwelling, such as a "granny cottage." The "detached" requirement excludes duplexes.*]

[*Note for reference: EC Table 9.6410 parking requirements: College Dorms and Campus Living Organizations – 1 parking space for every 3 beds. Thus, the current code reflects a more stringent approach to counting "units," i.e., 3 beds, rather than 3 rooms.]*

z. Single Room Occupancy (SRO) Building

A building that contains one or more SRO Residences.

TERMS – MISCELLANEOUS

aa. Lot Coverage [*As currently defined in EC 9.0500*]

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.

bb. Vehicle Use Area [*As currently defined in EC 9.0500*]

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

cc. Driveway

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

dd. Primary Vehicle Access

The primary means, either street or alley, by which inhabitants access a dwelling with a vehicle. The following rules determine the primary means of access:

i. An alley-access-only lot: All dwellings' primary vehicle access is the alley.

ii. A street-accessible lot that is not an alley-accessible lot: All dwellings' primary vehicle access is the street.

iii. A street-accessible lot that is also an alley-accessible lot:

A. If there is only one dwelling on the lot and it is not an SRO Residence: The dwelling's primary vehicle access is the street.

B. If there are multiple dwellings and/or any SRO Residence on the lot:

For each legal, on-site parking space accessed by a driveway from the street, one dwelling or SRO 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 "Adjustments" section.)

Chambers Reconsidered Project Report

Lot standards

"Lot size and shape is one of the central defining aspects of the R-2 overlay neighborhood character. Typical lots are 50'-60' wide and 120'-160' deep. Some lots are divided so that they are roughly square in proportion. These lots are roughly 50'-60' wide and 60'-70' deep. There is a mix of blocks with and without alleys.

Partitioning of lots or aggregation of lots outside of particular designated ranges of lot size and lot shape may undermine established neighborhood patterns. Lot size and scale forms a "grain" to the neighborhood that should be preserved as part of an effort to support the primarily detached housing character.

Since the neighborhood is largely developed, and the proposed density standards would limit the neighborhood to "detached housing" density levels, the opportunity for lot size changes will be limited to slow evolutionary changes, without categorically denying future flexibility and adjustments through lot partitions and aggregations." (p. 3-6)

4. Lot standards

Background

The pattern of streets, alleys, blocks and lot configurations is a fundamental defining element of a neighborhood. The JWR2 area is a flat, "grid-patterned" area with a widespread pattern of mid-block, rectangular lots that run from street to alley and are mostly in the range of 50'– 68' wide and 120'– 168' deep). These rectangular lots generally developed with a house in the front and a yard in the rear. Small garages were typically on the side or slightly back of the house and were accessed from the street. The resulting pattern provided significant open space and greenscape *in the interior of the block* that are crucial elements of the neighborhood character.

Many lots on, or one-in from, a street corner are roughly square lots approximately 50' wide and deep.

The predominant housing pattern of single-dwelling and small duplexes with a fairly consistent street setback arose from the highly-regular pattern of two main lot shapes (squares and long rectangles). This pattern promoted a strong visual and social connection among living areas of dwellings and between the living areas of dwellings and the public realm.

Alleys in the JWR2 area are generally unimproved and were designed and originally used for public utilities and for occasional utilitarian, rear-yard access by residents of interior lots. Alleys were *not* traditionally designed for or used as the primary access to dwellings or garages and do not meet City standards for the necessary alley right-of-way and paving to provide safe and efficient access by residents and emergency vehicles.

Objectives

- Maintain lots' characteristic, highly regular, rectangular shape, dimensions, frontage, and size.
- Prevent "gerrymandered" lot partitions that circumvent the intent of lot configuration, access, and density standards.
- Prevent erosion of interior open space by significant loss of longer, rectangular, street-to-alley lots.
- Encourage affordable home ownership 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 partitions, 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.)

How does Portland Compare?

Lot dimensions

Most of the comparable "heritage" residential areas on Portland's east side (e.g., Irvington, Laurelhurst, Eastmoreland, etc.) are zoned "R5," which is a "single-dwelling" zone that generally allows only single-unit or duplex dwellings (except in Planned Developments).

The R5 zone requires a minimum lot size of 3,000 square feet and allows a maximum of 8,500 square feet. (But note that each dwelling requires 5,000 square feet of lot.)

Minimum lot width is 36 feet and minimum lot depth is 50 feet.

[*Note: Lot configuration standards apply to new lots created by dividing an existing lot and to lot line adjustments that change the shape of two or more adjacent 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 and access.
A lot must meet all the following conditions:

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

B. Provide legal and practicable vehicle access to the portion of the lot on which the dwellings or other main buildings will be located..

ii. Rectilinear shape (lot lines meet at right angles).

Purpose: Lots are intended to be as close as possible to rectangles (four sides, with all right angles).

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

B. Adjustments to this standard are allowed. (See Adjustments section.)

iii. Minimum lot area.

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

B. Other "small lot": 2,250 s.f.
[*Note: Must comply with "Small Lot Standards."*]

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

iv. Maximum lot area: 13,500 s.f..

[*Note: Preserves small lots for affordable, single-dwelling home ownership, while providing adequate area for appropriately-scaled, multi-dwelling development (e.g., "courtyard cottage development").*]

v. Minimum buildable area.

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

A. Alley-access-only lots: 45'x35'

1. The longer side must generally parallel the alley.

B. Other lots: 45'x45'

vi. Minimum lot width.

The minimum allowable distance between side lot lines is 35'.

An expert opinion

The role of lot patterns in neighborhood character

"Essential to the design of any neighborhood is the relationship of new interventions to the existing fabric of the neighborhood. Thus, one of the fundamental elements that determines a residential neighborhood's character is the pattern of streets, alleys, and lot configurations.

In traditional 'grid-patterned' neighborhoods, such as Eugene's Westside neighborhood, the orthogonal lot and alley orientation, and the regular, rectangular lot pattern are fundamental elements of the neighborhood's character.

Altering the lot configuration pattern could impact the character of the neighborhood, and would warrant careful analysis before being encouraged or approved."

Michael Fifield, AIA, AICP
Professor of Architecture
University of Oregon

(From testimony submitted during the JWN appeal of an irregular lot partition.)

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.
[*Note: Avoid over-fragmentation and loss of open areas by creating too many tiny lots close to one another.*]

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 original lot's entire lot line abutting 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.*]

[*Note: In other sections: Only one dwelling allowed, and development must meet "Alley Development" standards.*]

c. 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.*]

d. Lot line adjustments.

i. Any portion of a lot line that exists 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 provisions of this section and EC 9.8400 through EC 9.8420, Property Line Adjustments, have been met.

[*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.*]

ii. No lot line adjustment may result in an increase in the number of allowable dwellings on any of the affected lots (i.e., by the increase of a lot's area).

A. An approval condition limiting the maximum number of dwellings on one or more of the affected lots may be imposed to satisfy this criterion.

iii. Adjustment to this standard are allowed. (See "Adjustments" section.)

Chambers Reconsidered Project Report

Density

"Currently, allowable density levels are set significantly higher (28 du/na) than current existing density range of 8-13 du/na. The existing overall average ETN density is approximately 10.9 du/na. The currently allowed densities effectively permit a level of intensification that will, over time, fundamentally change the character of the neighborhood. The density gap between allowable and existing densities essentially promotes 'redevelopment' over 'infill'. …

The premise of these compatibility standards is that the current built character of the ETN should not convert to a multi-unit attached housing character through a redevelopment strategy, but should, instead, focus on compatible infill that allows for an increase over existing density but does not substantially alter basic patterns of primarily detached housing found in the neighborhood.

This study proposes a strategy for limiting density in the ETN by allowing specific numbers of units per a given lot size range. This strategy recognizes that there are qualitative 'jumps' that take place based on lot sizes that support a 'detached-unit' housing environment without categorically restricting some attached housing in the neighborhood. This approach reinforces neighborhood patterns, yet allows for creative and flexible infill patterns to still take place incrementally over time. The proposed three-tiered density regulations based on lot size 'encourage' small lots from the standpoint of maximizing allowable dwelling units per acre, yet as the lots get smaller they are more likely to be limited to one or two units. This strategy supports multiple policy goals of promoting small lots, higher densities, and home ownership affordability, yet also will achieve neighborhood goals of maintaining neighborhood character." (pp. 3-4 to 3-5)

5. Dwellings per lot

Objectives

- 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."
  - 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 established residents and tenants.
  - 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 forest."
  - Prevent exceeding the capacity of existing infrastructure, including streets, alleys, water mains, sanitary sewers, and storm sewers.
- Inhibit wholesale transformation of blocks from the current harmonious mixture of owner-occupied homes and compatible rentals to a mass of multi-dwelling apartments.

a. 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 6,500 s.f.
There is no rounding. E.g., a 19,499 s.f. lot requires a minimum of two dwellings.

How does Portland Compare?

Dwellings per lot standards

The R5 zone allows only single-unit or duplex dwellings (except in Planned Developments) and requires a minimum of 4,500 square feet of lot size for the first dwelling and an additional 5,000 square feet of lot for each dwelling above one.

In some areas, there are provisions for additional units for projects that are approved through a design review process.

The Portland Comprehensive Plan designates most of the compact, close-in, "traditional neighborhoods" (e.g., Laurelhurst, Hawthorne, etc.) as being "Single-Dwelling," with a *maximum* density of 8.7 dwelling units per acre. (This works out to 5,000 s.f. for each dwelling, which corresponds to Portland's R5 zone.)

For comparison, in the JWR2 area, the *current* density is already approximately 10 dwellings per net acre, and Eugene's R-2 zone allows over 28 dwellings per net acre.

b. Maximum dwellings per lot.

i. Each SRO Residence shall count as one dwelling for the purposes of this standard.

ii. Alley-access-only lots: One dwelling, regardless of lot size. The dwelling may not be an SRO Residence.

iii. Other lots:

Except as provided in sections A 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)

A. 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.
2. No SRO Residence is allowed that did not exist on the lot at the time this standard is adopted.

B. At least 2,250 s.f. and less than 4,500 s.f.: One dwelling. The dwelling may not be an SRO Residence.

C. At least 4,500 s.f. and less than 9,000 s.f.: Two dwellings.

D. General adjustments (see conditions under Section 13.b). For lots:

1. At least 9,000 s.f. and less than 13,500 s.f.: Up to one additional dwelling.
2. At least 13,500 s.f.: Up to two additional dwellings.

E. Design approval adjustments (see conditions under Section 13.c). For lots:

1. At least 4,500 and less than 9,000 s.f.: Up to a total of 4 dwellings.
2. At least 9,000 and less than 13,500 s.f.: Up to a total of 6 dwellings.
3. At least 13,500 s.f.: A maximum total of 7 dwellings plus 1 dwelling per 1,500 s.f. above 13,500 s.f. (no rounding)

c. Multi-lot development sites

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 lot less than 4,500 s.f.

[Note: Preserves small lots for affordable, single-dwelling home ownership.

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.]

Chambers Reconsidered Project Report

Mass, scale, and height standards

"Mass, Scale, and Height are directly controlled through four standards described below and indirectly controlled by overall dwelling unit density limits.

The standard with the most limiting effect on the mass, scale, and height of development in the neighborhood is the 'interior yard sloped setback.' This setback does not directly place a limitation on height, but its effect is to encourage the highest part of a dwelling towards the middle of a parcel in order to meet the standards. On most lots that are characteristic of the neighborhood (60' wide or less) this sloped setback will effectively limit building height before the maximum height restriction becomes the limiting factor.

The intent of the interior yard sloped setback is to protect neighboring dwellings from mass and bulk of infill development and to ensure reasonable levels of privacy. This is partially accomplished by limiting the mass on the interior yard property lines." (p. 3-8)

6. Setbacks

These standards are based on the following basic concepts:

- Residential dwellings should engage the street or alley and provide a semi-public, landscaped area next to the street or alley.
- Structures should be adequately set back from alleys, so as to avoid creating a hazard or obstruction to vehicles using the alley.
- Structures should generally have less mass the higher you go, and the higher parts of structures should be further away from adjacent properties.
- Setbacks should allow a single, larger structure in the front of a lot with street access, and only smaller structure(s) elsewhere (including on alley-access-only lots).
- Structures in the rear of a lot or on alley-access-only lots should locate higher walls further from adjacent properties than is required for a residential building in the front of a lot facing the street.
- Setbacks for a residential structure on the street should allow typical gable-roofed structures to be oriented with the gables either facing the side of the lot (ridgeline parallel to the street) or facing the front and rear (ridgeline perpendicular to the street). This element of the standard should <u>not</u> result in a "loophole" that can be exploited to build out-of-scale structures.

<u>Objectives</u>

- 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.
- Encourage structures' visual appearance that's compatible with structures in the JWR2 subarea.

a. Alley and Street Setbacks.

i. Alley minimum setback.

Except as allowed by EC 9.6745 ("Setbacks-Intrusions Permitted"), all buildings shall be set back a minimum of 5 feet from any portion of a lot line that abuts an alley and from any alley right-of-way easement.

ii. Street setback.

A. Residential buildings.

1. Minimum setback:

Except as allowed by EC 9.6745 ("Setbacks-Intrusions Permitted"), 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.

The minimum street setback may be adjusted. See the "Adjustments" section.

2. Maximum setback (street-accessible lots):

At least one residential building shall have at least 25 feet 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. An adjustment to this standard may be made based on the criteria in the "Adjustments" section.

B. Garages and other non-residential buildings not on an alley-access-only lot.

Design Principles for More Livable Neighborhoods

A publication of the City of Eugene Planning Division

"All redevelopment and infill should respect the scale and character of the neighborhood …"

Garages and other non-residential buildings shall be set back a minimum of 18 feet from any portion of a lot line that abuts a street and from any street right-of-way, and a minimum of 6 feet behind the street-facing facade of the residential building closest to the street the garage or other building faces.

b. Interior Yard Setbacks.

See draft Figure 9.3065(3)(b)2.b and c.

Except as provided in iii through v of this subsection:

i. For street-accessible lots, 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 adjustment, 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 overlay zone standard, are allowed.

A. 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-accessible lot, a residential building with a gabled or hipped roof and a main roof ridgeline generally parallel to the front lot line 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 front lot line 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 main building to which the dormer is attached.

See draft Figure 9.3065(3)(b)2.f.

vi. Standards in this subsection b. may be adjusted. (See “Adjustments section below.)

c. 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 line segments.

ii. Windows that are within 60 feet of the front lot line of a street-accessible lot, and that are in a gable or hipped end of a residential building with a main roof ridgeline generally parallel to the front lot line, are excluded from this setback requirement.

7. Maximum building height

Objectives

- 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. For street-accessible lots:

A. The maximum height of any part of a residential building within 60 feet of the front lot line is:

1. For any portion of a roof section that has at least a 10:12 slope for the entire roof section: 30 feet.

2. Otherwise: 20 feet.

3. Adjustments to the standard in this subsection may be made based on the criteria in the "Adjustments" section.

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 other non-residential building is 15 feet.

ii. For alley-access-only lots:

A. The maximum height of any part of a residential building is 18 feet.

B. 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 distance above grade.

iv. Chimneys on residential buildings may exceed the maximum height limits by no more than 5 feet.

8. Lot coverage

Objectives

- 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 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.

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, turnarounds, is 20 percent of the total lot or development site area.

c. Common and Private Open space

i. All developments of two or more dwellings 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 livable floor 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 minimum dimension for any common open space shall be 15 feet.

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.*]

9. Roof form

Objectives

- Discourage flat, mansard, and other main roof forms that are out of character with the almost universal use of sloped 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 slope of 8:12.

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. 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 slope of 6 inches vertically for every 12 inches horizontally:

   i. Buildings over 200 square feet in area.

   ii. Buildings over 100 square feet that have any portion of the building over 12 feet high.

e. These standards can be adjusted. (See conditions under “Adjustments” section.)

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Alley development standards

"The goal of the alley 'front yard' is to encourage the use of alleys as small lanes that allow for a mix of residential uses. These uses include: landscaped back yards, dwelling units, parking, accessory buildings, and other uses.

The purpose of the following regulations is to balance these uses and promote a positive livable character for the neighborhood's alleys. …

There was an overall preference [among ETN residents] for alleys that are eclectic and for having some standards in place to encourage positive residential development." (p. 3-20)

10. Alley development standards

Objectives

- 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").

[*Note: For alley-access-only lots, the following standards are found in other sections*

- *Alley and interior yard setbacks*
  - *A. All structures must be at least 10' from structures on other properties.*
  - *B. Setback on alley: 5' (vertical plane)*
  - *C. Setback on interior lot lines: 5' vertical to 8', then 50 degrees from vertical (away from lot line)*
  - *D. Dormers can penetrate the sloped setback (within limits, see EC 9.3065)*
  - *E. Sloped portion of setback can be adjusted. (See conditions below.)*
  - *Maximum building height for any residential building is 18 feet and for all non-residential buildings is 15'.*]

See draft Figure 9.3065(2)(c)1.

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

i. 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. Is oriented to the alley

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..

This standard may be adjusted. See "Adjustments" section.

ii. No more than one dwelling on the same development site may take primary vehicle access from an alley that does not meet the right-of-way width and paving standards in Table 9.6870.

When two or more dwellings on a development site take primary vehicle access from the alley, the alley must meet the right-of-way requirements for the entire segment of the alley between the nearest intersecting streets (or between the nearest intersecting street and end of the alley).

A. For one-way access, the alley must meet the paving requirements for the entire segment of the alley between the intersecting streets.
B. For two-way access, the alley must meet the paving requirements for the entire portion of the alley abutting the development site and continuing to at least one of the intersecting streets.

There shall be no reduction in the right-of-way width and paving requirements.

There are no exemptions, exceptions, waivers, variances or adjustments to this standard.

[*Note: As a reference point, EC 9.2775(5)(d) requires 20 foot wide, paved driveway to access two or more flag lots. EC 9.5500(11)(b) requires two-way driveways to be 20 feet wide and one-way driveways to be 12 feet wide.*]

iii. 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.

iv. 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 (v), 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.

v. Alley open space required in (iv), above, may be placed behind parallel parking abutting the alley.

11. Small lot standards

Objectives

- 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 overlay zone provide differently.

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Front yard standards

"The general pattern of development in the Study Area is "front to back." This means that the house has a front that faces the street, with traditional elements of front facades such as visible entries, porches and front windows. The back of the house, opposite the street, faces the backyard. Principal living spaces and larger windows typically face either the street or the backyard, not the side yards. A typical and favored pattern is that the sides of a house have modest-sized, carefully placed windows that respect neighbor's privacy." (p. 3-15)

Some recent developments have introduced a "side-to-side" pattern instead of the neighborhood's traditional "front-to-back" pattern. Other developments have ignored strong patterns found in the neighborhood with respect to fronting the street, such as entries visible from the street. The results are 'side walls' facing the street, and out of place housing design that is counter to neighborhood patterns. (p. 3-17)

Within the ETN, garage locations and sizes follow consistent patterns of garage placement to the side or rear of dwelling units, or on the alley. Development contrary to this pattern is viewed as out of place and detrimental to ETN character. (p. 3-18)

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-accessible 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. Is oriented to 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.

b. Garage Door Standards.

i. Garage door widths.

A. Except for a garage oriented to 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 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.

c. Driveway Standards.

i. Street Access Driveway Curb Cuts and Width.

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 a lot line segment that abuts a street.

E. For a driveway located within five feet of an existing driveway on an adjacent property under common ownership or within the same development site, the maximum total width of the two driveways is 18 feet within 30 feet of a lot line segment that abuts a street.

[*Note: Prevents 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.

ii. Alley-Access Driveway Width. The maximum driveway 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 "Adjustments" section.

d. Parking Standards.

i. One on-street or on-site vehicle parking space is required for every dwelling on a development site that is not an SRO Residence.

A. Each uninterrupted twenty feet of lot line that abuts a street right-of-away where parking is legal and practicable within the twenty feet abutted by the property line counts as one parking space. The twenty feet may not include any portion of a curb cut.

ii. One on-site vehicle parking space is required for every SRO Residence on the development site.

iii. Vehicle parking areas may not be located in the street minimum setback area or between the street and the residential building façade closest to the street.

iv. There shall be no reduction in these parking requirements.

v. 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, the /SR Site Review overlay may have additional, specific criteria to assure compliance with the purpose of the /HA-JWR2 overlay zone.

[*Note that discretionary adjustments are allowed under the State's "needed housing" requirements.*]

b. General adjustments are allowed as follows:

i. **Lot standards**.

A. Rectilinear shape (lot lines meet at right angles).

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 does not intersect both its adjoining lot line segments at right angles.

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

B. Lot line changes are allowed up to 10 feet from the original location, as long as the following conditions are met:

1. No lot has an increase in the number of allowable dwellings.
   An approval condition limiting the maximum number of dwellings on one or more of the affected lots may be imposed to satisfy this criterion.
2. The adjustment is necessary to accommodate an encroachment that existed at the time these standards were adopted.

ii. **Dwellings per lot**.

Additional dwellings are allowed, as provided under Section 5 Dwellings per lot – General adjustments.

A. The following conditions must be met:

1. All residential buildings on the lot must meet the following conditions:

   a) Be either a single-dwelling or duplex.

   b) Have no more than 800 square feet of living space per dwelling for any dwelling added to the lot after these standards were adopted.

   c) Have no part of the building (other than chimney) higher than 18 feet.

2. The additional dwellings allowed must not result in more than a total of eight dwellings (on all lots abutting the same alley segment) using any part of the alley segment for primary vehicle access.

   [*Note: The total includes all the existing dwellings, as well as any additional dwellings.*]

   For purposes of this criterion, an "alley segment" is the section of an alley between two streets; or, for a section of alley that intersects only one street, between a street and the end of the alley.

   [*Note: This allows "courtyard cottage" development without overburdening the alley with vehicle traffic.*]

3. The /SR (Site Review) overlay zone must be applied to the entire development site. Appropriate specific conditions shall be included, as necessary, to assure the purposes of this overlay zone are met.

iii. **Setbacks**.

A. On a lot that abuts more than one street, 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:

   i. The residential building has a main entry oriented to a different street and complies with the 15 foot minimum setback requirement with respect to that street; and

   ii. No dwelling in the residential building has a main entry within the extent to which the 10 foot setback applies.

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

C. Structures may intrude into an interior yard setback arising from a property 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 C 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.*]

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

iv. **Roof slope**.

A. A lesser roof slope is allowed if it is no less than the median roof slope of the residential buildings on lots 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' may have a lesser roof slope.

v. **Main entry for alley development**

A. A main entry may face to the side, rather than the alley when the following conditions are met.

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.

vi. **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 move.

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

vii. **Means of primary vehicle access**.

A. A dwelling considered to have its primary vehicle access from the alley, according to subsection iii.B under the definition of "Primary Vehicle Access," 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 vii.A. no longer being met, the primary access of the dwelling shall be redetermined based on the new conditions.

Purpose of design approval adjustments:

These adjustments provide a discretionary "alternate path" for approval of some standards. The intent is to allow greater flexibility when an owner/applicant proposes development that would provide a *superior* result (when evaluated against this overlay's purposes and the respective neighborhood refinement plan) to development that the base standards and general adjustments would allow *on the particular site*.

This alternative path is intended to address one important part of the overall scope of "design review" processes – specifically, those cases where there is agreement between the owner/applicant, the neighborhood elected representatives, and the Planning Division professionals. This alternative path is not intended to address those cases where there is not such agreement because a process to resolve such differences is much more difficult and may yield only modest benefits in both the number of applications processed and approved, as well as the degree of increased flexibility.

c. Design approval adjustments are allowed as follows:

i. **Approval criteria**.

A. Adjustments under the subsections ii through ix are allowed as long as the proposed development plans and design receive written approval of the Planning Director and the Jefferson Westside Neighbors Executive Board as meeting or exceeding the purposes of this overlay zone and the policies and goals of the encompassing refinement plan.

B. The approval process shall include notification to all owners of property, and to each residence, within 500 feet of the subject property at least 60 days prior to approval by the Jefferson Westside Neighbors Executive Board. Adjustments approved under this section shall have the /SR (Site Review) overlay zone applied with the specific condition that subsequent development must conform to the approved development plans and design.

ii. **All general adjustments allowed.**

Any adjustment allowed under the "General Adjustments" (subsection b, above) are allowed for development that meets the approval criteria in subsection c.i.

iii. **Lot standards**.

A. Rectilinear shape (lot lines meet at right angles).

1. Lot line segments may intersect at any angle.

B. Lot line changes are allowed up to 20 feet from original location.

iv. **Dwellings per lot.**

Additional dwellings are allowed, as provided under Section 5 Dwellings per lot – Design approval adjustments.

v. Setbacks.

A. Street Setback. The minimum setback is 10 feet.

B. Second story window setback. This setback is not required.

vi. Maximum building height.

A. The maximum building height for roofs with a slope less than 10:12 is the same as for roofs with a slope equal or greater than 10:12.

B. An additional 5 feet over the applicable maximum building height standard is allowed for residential buildings.

vii. Roof form.

A. Any part of a roof may be flat, rounded, or have any slope.

viii. Main entry

B. A main entry may face to the side, rather than to the street or alley.

ix. Driveways.

A. More than one driveway curb cut per lot is permitted.

B. Driveway widths up to 20 feet and curb cuts up to 22 feet are permitted.

14. Additional provisions

Purpose:

- Assure existing non-conforming development can be maintained as long as the extent or degree of nonconformity is not increased.
- Assure a fair proportion of the cost of infrastructure improvements necessary for development of additional dwellings is borne by owners of the dwellings that benefit.

a. Non-conforming development.

i. A non-conforming lot configuration is not required to be brought into conformance (as far as lot configuration) when any development occurs on the lot; except changes to the lot configuration itself are not allowed if they would cause any of the following results:

A. Non-conformance with standards with which the lot or development on the lot previously complied.

B. An increase in the extent or degree of non-conformance by the lot or any development on the lot.

ii. Non-conforming structures are not required to be brought into conformance when additional development occurs, as long as such development does not cause any of the following results:

A. Any existing structure to become non-conforming with standards with which the structure previously complied.

B. An increase in the extent or degree of non-conformance by any existing structure.

iii. Development that does not conform to lot coverage and open space requirements must be brought into conformance with lot coverage and open space standards when any additional dwelling (including an SRO Residence) is created.

iv. Development that does not conform to driveway and parking requirements must be brought into conformance with driveway and parking standards when any additional dwelling (including an SRO Residence) is created and the total number of dwellings on the development site would exceed two dwellings.

v. Other than as required in subsection iv, non-conforming driveways and parking are not required to be brought into conformance when additional development occurs, as long as such development does not cause any of the following results:

A. Any existing driveway or parking area to become non-conforming with standards with which the driveway or parking area previously complied

B. An increase inthe extent or degree of non-conformance by any existing driveway or parking area.

vi. 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.

vii. No fee, beyond such fees as would normally be charged, will be charged for a property owner to exercise any of the provisions of sections i through vi.

b. Infrastructure improvement cost recovery.

i. Any fees or other charges by the City for any alley improvements, including acquisition of right-of-way by condemnation, paving, or other actions, that are required because of development that adds additional dwellings (including SRO Residences) that take primary access from an alley segment shall be calculated and assigned as follows:

A. Calculate **AlleyDwellingCount** equal to the total number of dwellings (including SRO Residences) that will take primary access from an alley segment after the triggering development.

B. Calculate **PotentialAlleyDwellingCount** equal to the number of lots that abut the alley segment that have no dwellings that take primary access from the alley and for which an additional dwelling with primary access from the alley would be legal and practicable under these standards.

1. The owner of a lot that would ordinarily fall under this section may file an irrevocable covenant prohibiting any future dwelling that takes primary access from the lot; in which case, the lot shall not fall under this section.

[*Note: This lets a property owner "opt out" of having any dwellings that use the alley for primary access, and therefore not have to pay a portion of the alley improvement costs.*]

C. Calculate **PerAlleyDwellingCost** equal to total fees or other charges divided by the sum of **AlleyDwellingCount** and **PotentialAlleyDwellingCount**.

D. Each property that abuts the alley, and falls under either section A or B, above, shall be assigned a proportion of the total fees and other costs that is either:

1. For lots that fall under section A, above: The total number of dwellings (including SRO Residences) on the lot that will take primary access from an alley segment times **PerAlleyDwellingCost**; or

2. For lots that fall under section B, above: The **PerAlleyDwellingCost**.