

Jefferson Westside Neighbors

A City-Chartered Neighborhood Association

Citizen's Guide and FAQ for the S-JW (Jefferson-Westside Special Area Zone)

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Citizen's Guide and FAQ

for the
S-JW (Jefferson-Westside Special Area Zone)

I. Introduction to this Guide

A. *What this guide provides*

This guide is intended to provide a readable, informal description of the main elements in the proposed S-JW zone.

It also includes some Frequently Asked Questions (FAQs) to help clarify the proposed standards.

B. *Disclaimer*

This guide is not a legal document. It was not produced or approved by City of Eugene. It is not a complete description of the proposed S-JW zone. There are omissions and are likely to be some errors. You should rely on documents provided by the City of Eugene, and not this guide, for any decisions you make with respect to the proposed standard.

C. *Zoning standards*

Before reading descriptions of the S-JW zone's provisions, it may be helpful to review a few points about zoning code.

Almost all the lots encompassed in the area of the proposed S-JW zone are currently zoned R-2 (Medium Density Residential). There are also two lots zoned C-1 (Neighborhood Commercial). The City is considering a proposal to rezone the current R-2 lots to a new, S-JW "special area" zone. If approved by City Council, the new zone would make changes to standards that govern the following aspects of the lots encompassed by the S-JW standards:

- *Use.* How a lot and structures on the lot can be used.

The only proposed changes in this area are to prohibit correctional facilities and some commercial uses. (This change does *not* affect the two lots zoned C-1.)

See the "Uses" section below for a description of the new standards.

- *Development standards.* What can be built on a lot, including dwellings and other structures, driveways, parking areas and so forth. These standards apply whenever an owner proposes to do any form of development, including building or modifying structures, driveways, parking, etc.

See the “Development Standards” section below for a description of the new standards.

- *Creation of new lots or changes to lot boundaries.*

These standards apply *only* when an owner proposes to divide a lot to create two or more lots or when the owner(s) of two adjacent lots propose to move a common portion of the lots’ boundaries.

Otherwise, these standards do *not* affect current lots or what can be built on these lots.

See the “Lot Standards” section below for a description of the new standards.

Understanding “clear-and-objective” standards. State law *requires* that zoning standards have what’s known as a “clear-and-objective” form. State law also allows some “discretionary” standards, but only as an additional alternative to the clear-and-objective set of standards.

All S-JW development and lot standards are clear-and-objective standards, except for two fairly minor “adjustments” (a legalistic term for one form of discretionary standard).

The idea behind clear-and-objective standards is that the standards can be checked simply by measurement or other direct method, such that two qualified individuals will always (or at least, almost always) reach the same decision about whether a proposed new lot or development feature meets the standard.

Building height is a good example: One section of the S-JW standards says: “The maximum height of any part of a garage or building that is not a residential building is 15 feet. ... The height of any part of a structure shall be measured as its vertical distance above grade.” Presumably, any qualified individual who checks a structure will be able to determine whether it complies with this clear-and-objective standard.

The benefit of using clear-and-objective standards is they remove personal opinion and ambiguity. However, clear-and-objective standards are unavoidably less flexible than discretionary standards. For example, there would be a lot more flexibility with a building height standard that said: “Buildings shall have a maximum height that is consistent with the surrounding buildings and the overall neighborhood character.” However, there would also be a lot more potential for disagreement and abuse with such a standard.

As a consequence of clear-and-objective standards' rigidity, it sometimes requires lengthier code and more technical jargon to make sure the code adequately prevents circumvention of its intent, yet provides reasonable flexibility, as well. For that reason, the S-JW code itself is fairly long and some sections may appear complex, especially when compared to this guide.

Just keep in mind that most of the code deals with less common situations. For typical cases, the applicable code is generally fairly concise and comprehensible.

D. References to code

The descriptive sections below generally follow the same sequence as the proposed S-JW code itself. Associated with each topic is an S-JW code section reference, such as "9.3615," so you can quickly find the specific code that's being described. Most of the S-JW code is contained in a proposed set of new sections that will use numbers from 9.3600 to 9.3699, as needed. A few of the S-JW code sections refer to other parts of Eugene's land use code, for example the 9.0500 section that contains definitions.

E. Additional information

You can find additional information on the City's Web site at:

<http://www.eugene-or.gov/infill>

A great deal of information on how the proposed S-JW standards were developed through a JWN community process and much more about the character of the neighborhood areas encompassed by the proposed S-JW zone is available on the JWN Web site at:

<http://jwneugene.org/infillstds.html>

F. Submitting questions and comments

You can submit additional questions or comments on this guide or the S-JW zone by e-mailing:

sjw@jwneugene.org

II. General

A. *Purposes (9.3600)*

The overarching purpose of the S-JW zone is to prevent residential infill that would significantly diminish, and to encourage residential infill that would enhance, the stability, quality, positive character, livability and natural resources of the encompassed residential areas. More specifically, the purposes of this zone include:

1. Contribute to maintaining and strengthening a high quality urban core environment with compatible commercial and residential development so that people of a variety of incomes and household compositions will desire to live close the city center and will be able to afford to do so.
2. Protect and maintain these healthy, established, residential areas by ensuring compatible design for residential infill development in terms of lot patterns; uses; development intensity; building mass, scale, orientation and setbacks; open space; impacts of vehicle ownership and use; and other elements.
3. Reinforce and complement positive development patterns identified through a community process conducted by the City-chartered neighborhood association that encompasses the S-JW zone.
4. Accommodate future growth without eroding the areas' residential character (as defined in EC 9.0500) and livability.
5. Promote stability of the neighborhood community by maintaining a balanced mix of single-dwelling, duplex, and multi-dwelling residential development that contributes positively to the predominant residential patterns that arose as the neighborhood was built out. Prevent destabilization that would result from major residential redevelopment.

In the S-JW area, the historical reference pattern is predominantly one dwelling on a lot (approximately 70% of lots) and two dwellings per lot, including small duplexes and primary plus accessory dwelling combinations (a total of approximately 20% of lots);

6. Limit the density and intensity of permitted development to a level of development that doesn't fundamentally replace the essential character of the encompassed area (i.e., by redevelopment).
7. Support the encompassed areas as transition areas between higher intensity residential and commercial land uses adjacent to the S-JW areas (e.g., along W. 13th Avenue and Willamette Streets to the north and east of the Jefferson neighborhood portion of the S-JW area) and lower intensity residential areas adjacent to S-JW areas (e.g., the R-1 zoned areas to the east and south of the Jefferson portion of the S-JW area), in terms of

density; building mass, scale, setbacks and facades; open space; and other elements.

8. Promote a safe, hospitable and attractive environment for pedestrians and bicyclists, including individuals of all ages and abilities, particularly by establishing development standards that do not allow automobile use to reach levels that create hazards or disincentives to pedestrian and bicycle use on local streets and alleys;
9. Promote public safety by fostering a strong visual and social connection among living areas of dwellings that are close to one another, and between the living areas of dwellings and the public realm;
10. Provide for a range of dwelling types, tenures, density, sizes and costs, including by encouraging the preservation of existing small lots and small, relatively lower-cost, single-dwelling, detached homes, as well as by encouraging new, smaller and relatively lower-cost, detached, single-dwellings and duplexes;
11. Implement clear and objective standards that support the above purposes, while allowing for alternative discretionary standards to provide additional flexibility for compatible residential development.

Q? What legal effect do the S-JW Purposes have?

- A. State law requires that residential standards not be unreasonable, and the purposes provide a foundation for understanding why the City adopted the standards.

Otherwise, the purposes have little if any legal role. The purposes themselves are *not* used as approval criteria for land use actions or development permits because the code sections serve that function.

B. Area Covered (9.3605)



<http://jwneugene.org/Maps/JWR2Map.jpg>

C. *Current Zoning and use*

All of the 575 tax lots in the area shown on the map above, except two, are zoned R-2 (Medium-Density Residential). All these lots will be rezoned to S-JW.¹

Two lots on which there are neighborhood stores are zoned C-1. These two lots will *not* have their zone changed. (The stores are located at W. 11th Ave. and Tyler St. and just south of W. 11th Ave. on the east side of Monroe St.)

Here's a breakdown of the 573 R-2 lots' current use or status:

Use or status		Number of lots	Acres
One or more dwellings		544	78.3
1 dwelling	400		
2 dwellings	95		
3+ dwellings	49		
Vacant (privately-owned and developable)		8	0.9
Vacant (privately-owned, but not developable)		3	0.2
City-owned (Amazon channel)		3	0.5
County owned (near Fairgrounds)		1	0.01
Group home		2	0.5
Churches & church parking		9	3.2
Tax lots for condominiums (no land area)		3	0.0
Total		573	83.6

III. **Definitions (9.0500)**

Several new definitions or clarifications are added to make the S-JW standards clearer. These include:

- Street-fronting lot
- Lot Line
- Interior Lot Line
- Residential Building
- Driveway
- Lot and Parcel

¹ Note that Monroe Park comprises eight tax lots, seven of which are also zoned R-2 and one zoned PL (Public Land). The Monroe Park lots are not affected by the S-JW standards and aren't included in the table above.

IV. Commercial Lots (9.2161 and 9.2170)

The two existing C-1 (Neighborhood Commercial) lots will be covered by existing C-1 zone standards, with the following exceptions.

A. *Dwellings Allowed*

C-1 allows residential dwellings on these lots. The maximum number of dwellings allowed will be governed by the S-JW standards. (See “Dwellings Per Lot,” below.).

B. *Setbacks*

The C-1 zone development standards generally specify minimum building setbacks. However, for these two lots different setbacks from interior (i.e., not on a street or alley) lot lines apply.

Buildings must be set back at least ten feet from all interior lot lines. In addition, at a point twenty feet above grade, the setback slopes away from the lot line (i.e., inward) at 12 inches horizontally for every 10 inches vertically (about fifty degrees from vertical).

This setback standard allows full two-story structures on the small lots occupied by these two stores, while preventing new development to create large, high vertical walls close to the adjacent residences.

V. Uses Allowed (9.3615)

The uses allowed on S-JW lots are generally the same as those that have been allowed on R-2 lots, with the following exceptions that are *not* allowed in the S-JW zone:

- Correctional Facilities
- C-1 Commercial Zone uses, unless the use is specifically listed in the list of R-2 uses (in Table 9.2740)

The second prohibition bears some explaining. The R-2 zone allows many uses other than just dwellings; for example, churches, residential treatment centers, day care and others. R-2 also conditionally permits all the uses allowed in the C-1 zone, as well. The S-JW zone removes this blanket permission and limits commercial uses to just those that are specifically identified in the list of R-2 uses (e.g., an athletic facility).

S-JW allows almost all forms of dwellings, other than boarding houses and dormitories.

VI. Development Standards (9.3625)

Development standards control what can be done with a lot, including building size and features, the number of dwellings allowed, driveways, parking, open space, fences, etc.

The S-JW development standards are intended to assure new residential development is compatible with the form, scale and intensity of the established neighborhood character.

A. *Roof Form (section 2)*

Sloped roofs with a minimum 6:12 pitch are generally required for most structures.

There are a number of exceptions for small buildings, dormers and porches. Also, up to 1,000 square feet of roof area can be flat or have a low slope, as long as none of the area is higher than 15 feet and is on a dwelling that is the only dwelling on a lot. (About 70% of the S-JW lots have only one dwelling.)

There is also a provision to allow a roof with a pitch lower than 6:12, as long as the pitch is no less than the median pitch of residential buildings within 300 feet.

B. *Alley Development (section 3)*

The S-JW standards support modest-scale dwellings on alleys. The alleys in this area were not originally designed or used for access to dwellings. Instead, alleys were traditionally used for occasional access to the rear of lots; for example, to bring in garden materials.

Despite the original design and purpose of S-JW area alleys, over time a number of small accessory dwelling units (ADUs) were created that took access from the alley. Unfortunately, in later years, out-of-scale, multi-unit dwellings were also built in the alleys, significantly impacting adjacent residents peace and privacy in their backyards and adding unplanned-for automobile traffic on the alleys and side streets.

The proposed standards encourage alley development that has a “lane-like” character, typified by small, single-unit dwellings, oriented to the alley as if it were a lane, and with small “front” yards between the dwelling and the alley.

Determining whether a dwelling is an “alley” dwelling. The S-JW code uses a well-defined set of rules to determine which dwellings on a lot are considered to take their primary access from the alley and are therefore subject to alley development standards.

Most cases are covered by fairly simple rules:

- On an alley access only lot, *all* dwellings are considered alley dwellings.

- On a lot that has access only from the street, *none* of the dwellings are considered alley dwellings.
- When there is a single dwelling on a lot that can be accessed from both the street and the alley, that dwelling is *not* considered an alley dwelling.

In the limited cases where there are multiple dwellings on a lot accessible from both the street and the alley, the following rules apply:

- For each *on-site* parking space that can be accessed *only* from the street, one dwelling is considered to take its primary access from the street (and is therefore *not* subject to alley development standards).
- The remaining dwellings (if any) are considered alley development.

Special standards for alley development. The most important limitations on alley development are the following:

- There can be only one alley dwelling on a lot, unless the lot is on the corner of a street and an alley. (This allows traffic to and from the alley dwellings to access the street without travelling past interior lots' backyards.)
- No alley dwelling can have more than three bedrooms.
- Each alley dwelling must have one on-site parking space accessible from the alley.

If a lot has one or more dwellings that take primary access from the alley (whether or not the lot is an alley access lot), there must be an open area adjacent to the alley that serves as a “front yard” on the alley. This area must meet the following conditions:

- Be at least 400 square feet.
- Abut the alley for at least ¼ of the lot line along the alley.
- Be a minimum of at least 10 feet deep along its entire extent.

This area can optionally be placed between a parallel parking area along the alley and the alley dwelling.

The alley dwelling closest to the alley (which may be the only alley dwelling) must be oriented towards the alley, either facing it, opening onto a porch on the alley or opening onto a porch next to a “head-in” parking area off the alley.

C. Main Entrances (section 4)

Generally, the residential building closest to the street must be “street-oriented” by having a main entrance that faces the street or opens onto a front porch of at least 30 square feet.

These standards also allow main entrances of a “courtyard cottage” to face the courtyard, rather than the street.

D. *Garage Doors (section 5)*

Within 30 feet of the street, the width and height of garage doors is generally limited to single-car garage dimensions – one door up to 9 feet wide and 8 feet high. Beyond 30 feet, there’s no limit on garage door dimensions.

Garages accessed from an alley can have one or two doors, 8 feet high and up to 18 feet wide total.

E. *Driveways (section 6)*

The driveway standards are quite detailed to deal with a variety of uncommon situations. However, the basic standard allows one driveway on each street the lot abuts (i.e., corner lots can a driveway on each of the two streets the lot abuts).

The basic permissible driveway width is up to 12 feet, with a “flared” curb cut that’s up to 14 feet wide.

Exceptions are provided for side-by-side duplexes to allow two driveways and for cases where a wider driveway is necessary to skirt an obstacle.

Driveways from an alley to a parking area or garage can generally be no more than 18 feet wide within 30 feet of the alley.

F. *Parking (section 7)*

The basic parking requirement for each dwelling is one on-site or on-street parking space for every three bedrooms (rounded up to the next whole number).

Every twenty feet of the lot that abuts a section of a street where parking is allowed counts as one on-street parking space. For many dwellings in the S-JW area, the counting of on-street parking means no on-site parking is required. In most other cases, only one on-site parking space is required.

Parking areas are prohibited in front of the dwelling’s main façade (i.e., in the front yard). However, a parking space is allowed in front of a garage that is set back from the front of the dwelling, which is a common situation for many S-JW properties.

G. *Dwellings Per Lot (Table 9.3625 and 9.3626 section 1)*

These standards set the minimum and maximum number of dwellings allowed on a lot or multi-lot development site. The intent is to allow the predominant forms of development that occurred during the build-out of the encompassed areas, including:

- One single-family dwelling on a lot
- A primary, single-family dwelling and an attached or detached accessory dwelling unit (ADU), e.g., “granny cottage”
- Small duplexes

These forms of development account for over 92% of the S-JW lots.

In addition, the intent is to allow even greater density in the appropriate context and with the appropriate scale. This is accomplished primarily through two means:

- By allowing an existing lot to be divided to create two lots, one of which may be an alley access only lot or other “small” lot. (See the “Lot Standards” section, below.)
- By allowing more than the normal number of dwellings on lots larger than 9,000 square feet, as long as the resulting development follows a “cottage” scale of development.

Maximum dwellings per lot. Here are the basic standards for maximum allowable dwellings:

- Alley access only lot, regardless of size: 1 dwelling (with no more than three bedrooms)
- Small lot (between 2,250 and 4,499 square feet): 1 dwelling (with no more than three bedrooms)
- Lots between 4,500 and 8,999 square feet: 2 dwellings
- Lots 9,000 square feet and larger: 1 dwelling for each 4,500 square feet (fractional results are rounded down to the nearest whole number)

Under the basic standards, about 99% of the S-JW lots would allow one or two dwellings, which corresponds to the historical character of development.

Dwelling count calculation. In most cases, the calculation used to determine the number of dwellings on a lot is simple: Each dwelling counts as one.

However, a new form of housing type has become increasingly prevalent in Eugene and has a more significant impact on neighboring residents than traditional forms of housing. These “high occupancy apartments” are four or five bedrooms and occupied by unrelated individuals who share the rent. To appropriately account for this housing type, the calculation is a bit more complex in a few cases.

First, a dwelling with five or fewer bedrooms that is the *only* dwelling on a street-abutting lot that is at least 4,500 square feet is counted as one dwelling. This covers the vast majority of lots in the S-JW area.

To cover cases where there’s a larger primary dwelling and a small secondary dwelling on a standard lot (4,500 square feet or larger), as long as the two dwellings have no more than six bedrooms total, the dwelling count is simply two. (One of the dwellings must also face the street to qualify for this calculation.)

For the few remaining cases, the dwelling count is the sum of two amounts:

- All dwellings with three or fewer bedrooms count one each
- For the rest of the dwellings, the dwelling count is the sum of the bedrooms divided by three and rounded up.

So, for example, if there were two four-bedroom dwellings on the same lot or development site, they would be counted as three dwellings.

“Bonus” dwellings. Additional dwellings are allowed over and above what the basic standards allow. Lots between 9,000 and 13,499 square feet can have one additional dwelling, and lots 13,500 square feet and larger can have two additional dwellings. There are some special requirements, however, to be allowed these additional dwellings:

- No residential building on the lot can have more than two dwellings;
- No dwelling on the lot can have more than three bedrooms; and
- No dwelling added to the lot after the S-JW zone is adopted or that is on a lot that has more than the number of dwellings allowed by the basic standards, can have more than 800 square feet of living area or any point (other than chimney) higher than 18 feet.

These requirements promote “cottage” style development with smaller one- and two-unit structures. Such development is not only visually compatible with the S-JW area’s character, this form of development offers an alternative and more affordable housing type for both renters and owners (the cottages may be condominiums).

About 18% of the S-JW lots would allow one or two “bonus” dwellings under these provisions.

Minimum dwellings per lot. New development on lots or development sites 13,500 square feet or larger must also meet *minimum* requirements for dwellings, which is one dwelling per 6,750 square feet, rounded down to the nearest whole number.

Q? How will these standards affect the allowable density in the S-JW area?

- A.** The maximum potential density is approximately 14.6 dwelling units per net acre (du/na). (“Net acres” include just the area of the tax lots, not streets or alleys.) This falls within the Metro Plan “Medium-Density Residential” density range of 14.28 to 28.56 du/na and is about 42% more than the S-JW area’s current density.

Importantly, allowing existing lots to be divided to create new alley access only lots and other “small” lots will provide even more opportunities for compatible new development and allow an even higher potential density.

You can read a complete analysis of the S-JW potential density here:
<http://jwneugene.org/documents/S-JWDensityAndGoal10Analysis.pdf>

Q? Will the S-JW standards prevent or seriously reduce the rate of infill in the area?

- A.** That’s unlikely. According to preliminary data from the Eugene Comprehensive Land Assessment (ECLA), the projected rate of redevelopment in this area would be about two or three new dwellings per

year. Since the S-JW standards would allow at least 340 additional dwellings (not counting new dwellings on new lots created by lot divisions), the S-JW zone can accommodate infill for over 100 years at the projected rate.

Of course, not every one of the possible new dwellings is likely to be built; nonetheless the data indicates there will be ample capacity for the twenty-year planning period of 2010-2030. Note also the additional capacity for infill from the creation of new alley access only lots and other “small” lots.

Q? What happens to lots that have more dwellings than allowed by these standards?

A. All the dwellings can be kept, maintained, and even rebuilt if they’re damaged or destroyed by fire or other causes. However, no development can occur that would *increase* the level of nonconformance.

Q? What are comparative standards in other Oregon cities?

A. The most comparable zone in Portland is 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 S-JW area, the *current* density is already approximately 10 dwellings per net acre, and the S-JW standards allow the density to increase to over 14.5 dwellings per net acre.

H. Maximum Building Height (Table 9.3625 and 9.3626 section 2)

The maximum building height standard allows larger residential buildings in the front of lots that abut a street, but reduces the maximum height in the rear of lots and on alley access only lots to preserve the privacy of adjacent residents’ backyards and to avoid a sense of large structures “looming” over adjacent backyards.

For residential buildings on standard lots and within 60 feet of the street, the basic standard for maximum height is 30 feet, which allows two full stories and a sloped roof.

Otherwise, residential buildings are limited to 18 feet (one or one-and-a-half stories), and garages and non-residential buildings are limited to 15 feet.

Building height is measured from grade (ground level) to the highest point on the roof, not counting chimneys.

I. Building Setbacks (Table 9.3625 and 9.3626 sections 3 to 5)

A “setback” is a defined distance which a building must be away from either a property line or another building. There are three main kinds of setbacks:

- *Street setback* – the distance from the street to a building.
- *Alley setback* – the distance from an alley to a building.
- *Interior setback* – the distance from property lines separating adjacent properties (or from buildings on adjacent properties) to a building.

The S-JW standards specify minimum setbacks for all three types. In addition there is a maximum street setback.

Minimum setbacks provide visual and sound privacy, access for property owners, fire department access and pathways for sunlight and fresh air circulation. Maximum street setbacks help maintain dwellings’ orientation to the street.

Setbacks are the most extensive and complex S-JW standards because there are so many potential circumstances that must be considered, and three-dimensional geometry is involved. Nevertheless, the standards applicable in most circumstances are fairly straightforward.

Typical setbacks for a lot that fronts a street. In this common case, residential buildings must be no closer than 15 feet and no farther than 30 feet from the street right-of-way (typically the edge of the sidewalk). There are exceptions to this rule that allow a building to be closer (up to 10 feet) or further (up to 30 feet) if residential buildings on adjacent lots are closer to, or further from, the street than the S-JW standard.

Garages and other non-residential buildings must be at least 21 feet from the street and 6 feet behind the front of the residential building closest to the street.

Within 60 feet of a street, the interior setbacks (i.e., on either side of the lot that abuts another lot) at ground level is five feet from the property line and ten feet from any structure on an adjacent lot.

The S-JW has an additional, unique interior setback provision – at a distance 12 feet above grade (ground level), the setback increases 12 inches for every additional 10 inches in distance above grade. This provision requires higher parts of a structure to be further away from adjacent properties.

Beyond 60 feet from the street, the interior setback is similar, except the sloped portion begins at 8 feet above grade. Sloped setbacks provide

appropriate privacy and prevent structures that “loom” or crowd adjacent residents’ backyards.

There are a number of exceptions to the basic interior setback standards. For example, gabled and hipped roofs within 60 feet of the street can extend into the setback area, since this is a typical form of houses in the S-JW area. In addition, bay windows, eaves and other minor structural elements can protrude into the setback area.

Up to two dormers on each side of a residential building’s roof may also intrude into the sloped portion of an interior setback. Generally, dormers on the front and sides of a building are limited to ten feet in width and must be at least 7 feet from the nearest property line. Dormers on the rear of the house that are at least 30 feet away from any adjacent property the dormer faces can be wider than ten feet.

Also, if a legal agreement is reached between adjacent property owners, structures can extend into any of the setback areas, as long as the intrusion isn’t closer than ten feet to a structure on another property.

Alley setbacks. Residential buildings must be at least five feet from an alley. Non-residential buildings must be at least two feet from an alley. Various intrusions are allowed, but none may be closer than 2 feet from the alley.

Second-story window setbacks. To help protect adjacent residents’ privacy, second-story windows must be at least 10 feet from all interior lot lines. An exception is made for windows in the gable or hipped end of a residential building within 60 feet of the street. Again, this reflects a common form found in homes throughout the S-JW area.

J. Maximum Lot Coverage (Table 9.3625 and 9.3626 sections 6 and 7)

This standard, in combination with the Maximum Vehicle Use Area and Common and Private Open Space standards, assures development doesn’t cover so much land that the absorption of storm water and the ability to support trees and other large-scale vegetation is significantly degraded.

Together, these three standards also encourage “shared” private open space, in which adjoining property owners have the benefit of open space and vegetation on adjoining properties, as well as their own. This is especially important to the livability of dwellings on small lots, which may have very small yards.

The standard allows no more than fifty percent of the lot to be covered by structures. The following items are *not* included in the calculation:

- Any part of a structure without a roof
- Roof eaves

- Carports, porches, and balconies that are open at least 50 percent of their respective perimeter.

K. *Maximum Vehicle Use Area (Table 9.3625 and 9.3626 section 6)*

See Maximum Lot Coverage for the intent. This standard also encourages development to not over-emphasize vehicle use in the S-JW area.

The standard allows no more than twenty percent of the lot to be covered by driveways, parking and other vehicle use areas. Vehicle use areas include paved and unpaved areas, regardless of whether they are permeable or impermeable.

Q? Why does the standard also count *permeable* surfaces? Don't these allow storm water to get into the ground?

- A. Permeable surfaces, including bare dirt, over which vehicles travel don't support vegetation other than ground covers. Also, impermeable surfaces usually become "clogged" and lose their permeability over a few years of use.

L. *Common and Private Open Space (Table 9.3625 and 9.3626 section 7)*

This standard applies only to lots or development sites where there are three or more dwellings (less than 10% of the S-JW lots).

See Maximum Lot Coverage for the intent. This standard also promotes the livability of multi-unit developments in the S-JW area.

The standard requires at least twenty percent of the development site or at least twenty-five percent of the total living area, whichever is greater, to be open space.

The open space can include areas along the front, side and rear of the lot that are part of the required setbacks.

To be counted as open space, an area must be at least 250 square feet and sufficient to encompass a fifteen-foot square.

M. *Fence Height (Table 9.3625 and 9.3626 section 8)*

The fence height standards are the same as apply in most other residential zones. In general, fences can be up to 42 inches high within 15 feet of the street and otherwise up to six feet high.

There's also a provision for corner lots to allow a portion of the fence along one of the streets and to the "rear" of the dwelling to be up to six feet high.

N. Adjustments to the Standards (9.8030 section 26)

Under special conditions, the maximum driveway width can be increased up to two feet. (See “Driveways” above).

Also, the determination of whether a dwelling takes primary vehicle access from the street or the alley can be adjusted (See “Alley Development” above).

VII. Lot Standards (9.3630 and 9.3631)

These standards apply *only* to the creation of a *new* lot by dividing an existing lot into two or more lots or when the owner(s) of two adjacent lots propose to move a common portion of the lots’ boundaries.

Otherwise, these standards do *not* affect current lots or what can be built on these lots.

Lots that already exist and do not meet these standards can still be developed according to the S-JW development standards.

The main intent of the standards is to maintain the highly-regular pattern of rectangular and square lots that form the foundation of the S-JW’s historical “grid-patterned” development.

At the same time, the standards allow limited provision for creating new “small lots,” including lots that have vehicle access only from the alley. The goal of allowing new small lots is to encourage development of small, single-family houses that will be more affordable to buy or rent.

The basic requirements are covered below. Although the lot standards have a number of “technical” requirements, for the most part, these provisions are to prevent clever “gerrymandering” that gets around the intent of the standards.

- All new lots must have vehicle access from either a street or an alley and be able to satisfy the S-JW parking requirements for existing dwellings (or at least one dwelling, if the new lot is vacant).
- All new lots must have straight lot lines that meet at right angles.
- New lots must generally be no larger than 13,500 square feet.

A. Standard Lots (section 1)

New standard lots must be at least 4,500 square feet and be at least 45 feet wide at the street and 45 feet deep.

B. *Alley Access Only Lots (sections 1 and 4)*

New Alley Access Only lots must be at least 2,250 square feet and be at least 45 feet wide at the alley and 35 feet deep.

The lot from which an alley access only lot is created must be at least 6,750 square feet. This allows (but doesn't require) the newly created *non-alley-access-only* lot to be a standard lot.

A new alley access only lot must include the entire portion of the original lot line that abuts the alley, and only one alley access lot may be created from the original lot. These requirements maintain the regular lot pattern and avoid over-fragmentation of the interior of blocks.

C. *Other "Small" Lots (sections 1 and 2)*

New "Small" lots must be at least 2,250 square feet and be at least 45 feet wide at the street and 45 feet deep.

The lot from which a "small" lot is created must be at least 6,750 square feet. This allows (but doesn't require) the newly created *non-small* lot to be a standard lot.

Only one "small" lot may be created from the original lot.

These requirements maintain the regular lot pattern and avoid over-fragmentation of the interior of blocks.

A new small lot may not have an existing house with more than three bedrooms.

D. *Flag Lots Prohibited (section 1(h))*

A "flag lot" is a lot located behind another lot except for a narrow portion extending to a public street which is suitable for vehicular, bicycle and pedestrian access. The "flagpole" of a flag lot provides the access corridor to the buildable "flag" portion of the lot.

New flag lots cannot be created in the S-JW zone because alley access only lots and other "small" lots provide better solutions and avoid the way a flag lot fragments the regular lot pattern and brings vehicle traffic alongside adjacent dwellings.

E. *Property Line Adjustments (section 1(f))*

Owners of two adjacent properties (who may be the same party) can move a common lot line up to five feet from its current location, or up to ten feet, if necessary to accommodate a preexisting encroachment.

VIII. Nonconforming development (9.3640)

“Nonconforming” development means existing development that doesn’t comply with the new S-JW standards.

Basically, non-conforming development does *not* need to be brought into conformance, unless the owner adds another dwelling or increases the number of bedrooms in a dwelling to four or more.

A further provision allows nonconforming driveways and parking areas to be paved or repaved to the extent the driveway and parking areas existed when these standards are adopted.