

DRAFT CODE TEXT FOR S-JW JEFFERSON WESTSIDE SPECIAL AREA ZONE

(Diagram references need to be inserted throughout)

9.0500 -- Add definitions as follows:

Street-fronting lot. For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, a lot or parcel that abuts a street for at least the minimum frontage length applicable to the lot as specified at EC 9.3630.

Lot Line. For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, unless more specifically defined in those standards, a lot line is single lot line segment, or continuous series of connected lot line segments. See EC 9.3631(1)(c).

Interior Lot Line. * * * For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, any portion of a lot line that does not abut a street or alley.

Residential Building. For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, a building that contains one or more dwellings.

Driveway. For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, a surface area that is intended, prepared, or used for vehicle access to and about a lot.

Lot and Parcel. For purposes of the S-JW Jefferson Westside Special Area Zone provisions at EC 9.3600 through 9.3640, “lot” and “parcel” are used interchangeably in all cases, and both terms mean a “Legal Lot,” as defined in EC 9.0500.

EC 9.2161 -- Add the following bold-italic text to EC 9.2161(6):

9.2161 **Special Use Limitations for Table 9.2160.**

(6) ***Residential Use Limitation in C-1 and C-2.*** Except for the Downtown Plan Area, residential dwellings are allowed in the C-1 and C-2 zones if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, residential dwellings are allowed in C-1 and C-2 zones and are not required to use the ground floor of the structure for commercial or non-residential purposes. ***For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone Boundaries as shown on Map 9.3605, the maximum number of dwellings per lot is specified at EC 9.3625(8) and 9.3626(1).***

EC Table 9.2170 -- Add a “(16)” to the “Minimum Interior Yard Setback” entry on Table 9.2170 as shown in bold-italic text below:

9.2170 Commercial Zone Development Standards - General.

Table 9.2170 Commercial Zone Development Standards (See EC 9.2171 Special Development Standards for Table 9.2170.)					
	C-1	C-2	C-3	C-4	GO
Minimum Interior Yard Setback (4) (6) (7) (16)	0 feet to 10 feet (6)	0 feet to 10 feet (6)	0 feet	0 feet to 10 feet (6)	0 feet to 10 feet (6)

9.2171 Special Commercial Zone Development Standards for Table 9.2170.

(16) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Map 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.

(17) ...

S-JW Jefferson Westside Special Area Zone

9.3600 Purpose of S-JW Jefferson Westside Special Area Zone. 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.

9.3605 **S-JW Jefferson Westside Special Area Zone Siting Requirements.** In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, to receive the S-JW Jefferson Westside Special Area Zone, the site must be included within the boundaries of the Jefferson Westside Area depicted on Map 9.3605 S-JW Jefferson Westside Special Area Boundaries.

9.3615 **S-JW Jefferson Westside Special Area Zone Land Use and Permit Requirements and Special Use Limitations.** The land use and permit requirements and special use limitations applicable in the S-JW Jefferson Westside Special Area Zone shall be those set out at EC 9.2740 and EC 9.2741 for uses in the R-2 zone, except the following uses listed in EC 9.2740 are prohibited in the S-JW Jefferson Westside Special Area Zone

- (1) **Correctional Facilities**
- (2) **C-1 Neighborhood Commercial Zone uses, unless specifically listed elsewhere under the "R-2" column in Table 9.2740**

9.3625 **S-JW Jefferson Westside Special Area Zone Development Standards.**

(1) Application of Standards and Adjustment.

- (a) Application of Standards. In addition to the special use limitations in EC 9.3615 and the development standards in EC 9.3625 to 9.3640 and EC 9.5000 to 9.5850, the General Standards for All Development in EC 9.6000 through 9.6885 apply within this zone. In the event of a conflict between those general development standards and the development standards in EC 9.3625 to 9.3640, the specific provisions of EC 9.3625 to 9.3640 shall control.

- (b) Adjustment. The development standards in subsections EC 9.3625(6) regarding driveway width and EC 9.3625(3)(a)2.b regarding primary vehicle access may be adjusted in accordance with EC 9.8030(26). For sites zoned S-JW Special Area Zone, these are the only standards that may be adjusted.
- (2) Roof Form.**
- (a) All roof surfaces on residential buildings, other than as provided for porches and dormers in subsections (b) and (c) below, shall have a minimum slope of 6 inches vertically for every 12 inches horizontally, except:
1. A lesser roof pitch is permitted so long as the pitch is no less than the median roof pitch of all residential buildings located on those S-JW lots located within 300 feet of the subject lot. For purposes of determining the median roof pitch, each residential building's roof pitch shall be considered the roof pitch of the building's largest contiguous roof area.
 2. For a residential building that contains the only dwelling on a lot, a lesser roof pitch is permitted for up to 1,000 square feet of roof surface, so long as the area(s) of lesser pitch are no more than 15 feet above grade at any point.
- (b) Residential building porches are not required to have a sloped roof if the porch is:
1. Less than 100 square feet; or
 2. Located on a street-fronting lot that is not an alley access only lot and is on the rear (i.e., side opposite a street) of the residential building closest to the street.
- (c) Residential building dormers are not required to have a sloped roof if the dormer is:
1. Less than 10' wide, as measured at sidewalls or maximum roof opening, whichever is greater; or
 2. Located on a street-fronting lot that is not an alley access only lot and is on the rear (i.e., side opposite a street) of the residential building closest to the street.
- (d) Roof surfaces on garages and other buildings that are not residential buildings in the following categories shall have a minimum slope of 6 inches vertically for every 12 inches horizontally:
1. Buildings with over 200 square feet of floor area; and
 2. Buildings with over 100 square feet of floor area that have any part of the building over 12 feet high, as measured from grade.
- (3) Alley development standards.**
- (a) **Primary Vehicle Access.** For the purposes of this section, "primary vehicle access" means the primary means by which inhabitants take vehicular access to a dwelling or on-site parking space(s) provided for a dwelling. Primary vehicle access is determined as follows:
1. On an alley access only lot, every dwelling's primary vehicle access is the alley.
 2. On a lot that is not an alley access only lot and that, consistent with access standards in the EC, could take vehicular access from an alley, a dwelling's primary vehicle access is:
 - a. The street, when there is only one dwelling on the lot.

- b. When there are multiple dwellings on the lot, for each on-site parking space that complies with the standards applicable in the S-JW special area zone and that can only be accessed and exited via a street (i.e., cannot use the alley for entry or exit), one dwelling is 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.

If there are one or more dwellings with the alley as primary vehicle access, the dwelling(s) closest to the alley shall be considered to have primary access from the alley. In cases where multiple dwellings are equidistant from the alley and not all of them take primary access from the alley, the property owner may designate which dwellings take primary access from the alley. The provisions in this subsection (3)(a)2.b. may be adjusted based on the criteria of EC 9.8030(26)(2).

3. On all lots not addressed in 1. or 2., above, all dwellings' primary vehicle access is the street.
 - (b) No more than one dwelling on the same development site may take primary vehicle access from an alley unless the site also abuts a street that the alley intersects.
 - (c) On any lot that contains one or more dwellings whose primary vehicle access is an alley, there must be at least an undivided 400 square-foot open space area (not including buildings, parking or driveways) abutting the alley. Except as provided in 4., below, the open space area:
 1. shall abut the alley for at least 25% of the length of the lot line abutting the alley;
 2. shall be a minimum of 10 feet in depth for the entire extent that the open space area abuts the alley; and
 3. may include areas that are within setbacks.
 4. The open space required in this subsection (c) may be placed behind parallel parking abutting the alley.
 - (d) For a dwelling whose primary vehicle access is an alley:
 1. The dwelling may not have more than three bedrooms.
 2. If the dwelling is in the residential building closest to the alley, then the dwelling shall include a main entrance that is visible from the alley and meets one of the following conditions:
 - a. Faces 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; or
 - c. Faces the side of the lot and meets all the following conditions:
 - (1) The entrance opening is no more than 8 feet from the building façade facing the alley and nearest the alley.
 - (2) The entrance provides direct resident access to a head-in parking area on the same side of building.
 - (3) The entrance 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.
 3. One on-site parking space, accessible from the alley, per dwelling is required.
- (4) **Main Entrances.**
 - (a) Except as provided in (c), below, on a street-fronting lot that is not an alley access only lot, the residential building closest to the street shall include a main entrance that meets one of the following conditions:
 1. Faces the street; or
 2. 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.
 - (b) Except as provided in (c), below, on corner lots with more than one residential building, all residential buildings shall include a main entrance that meets the requirements of subsection (a).
 - (c) Notwithstanding (a) and (b), above, where three or more dwellings have ground-level entrances on two or more sides of a common courtyard that is open to a street for at least 20 feet, the dwellings' main entrances may face the courtyard.
- (5) **Garage Door Standards.**
 - (a) Except for a garage accessed from an alley, only one garage door, with maximum width of 9 feet and maximum height of 8 feet, is allowed within 30 feet of any portion of a lot line that abuts a street.
 - (b) For a garage accessed from an alley, one garage door 18 feet wide and 8 feet high or 2 garage doors 9 feet wide and 8 feet high, are permitted.
- (6) **Driveway Standards.** In lieu of any conflicting standards in EC 7.410 Driveways – Curb cut, the following standards shall apply:
 - (a) **Street Access Driveway Curb Cuts and Width.** Driveways that are accessed from a street must meet all the following requirements:
 1. Except as provided in (7), below, a lot shall have no more than one curb cut on each street that the lot abuts.
 2. 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.
 3. The maximum driveway width for a driveway that accesses a single-car garage is 12 feet.
 4. No portion of a driveway or parking area shall be wider than 12 feet within 30 feet of any portion of a lot line that abuts a street.
 5. For a driveway or parking area located within five feet of an existing driveway or parking area on an adjacent property under common ownership or within the same development site, the maximum total width of the two driveways and/or parking areas is 18 feet within 30 feet of any portion of a lot line that abuts a street.
 6. The full width of 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 except that one private walkway, no wider than 4 feet within 5 feet of the driveway, may terminate at the driveway.

7. Exception. For a duplex where both main entrances face the same street and the lot is not on the corner of two streets or the corner of a street and an alley, two curb cuts and driveways are allowed as long as both curb cuts and driveways meet all of the following conditions:
 - a. There must be at least 30 feet between the two curb cuts;
 - b. Each curb cut must be at least 5 feet from any curb cut on an adjacent lot;
 - c. The maximum curb cut width is limited to 11 feet where the driveway abuts the street, and the driveway must taper to no more than 9 feet within 3 feet of the street curb or edge; and
 - d. No portion of a driveway or parking area shall be wider than 9 feet within 30 feet of any portion of a lot line that abuts a street.
 - (b) Alley-Access Driveway Width. The maximum driveway and/or parking area width is 18 feet within 30 feet of any portion of a lot line that abuts the alley.
 - (c) Adjustment. The driveway width standards in this subsection (6) may be adjusted based on the criteria of EC 9.8030(26)(1).
- (7) Parking Standards.**
- (a) Except as provided in (3)(d)3. above, each dwelling shall have one on-street or on-site vehicle parking space for every three bedrooms, rounded up to the next whole number (i.e. a four-bedroom dwelling must have at least two parking spaces). For purposes of this subsection, each uninterrupted twenty feet of lot line that abuts a street right-of-way where parking is legal within the entirety of that twenty feet shall count as one on-street parking space. The twenty feet may not include any portion of a curb cut.
 - (b) No portion of a vehicle parking area may be located in the area defined by the Street Setback minimum standard (i.e., from which structures, other than permitted intrusions, are excluded) or between the street and the residential building façade that faces, and is closest to, the street.
- (8)** The following Table 9.3625 sets forth the S-JW Special Area Zone development standards, subject to the special development standards in EC 9.3626.

Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)	
Density(1)	
Minimum Dwellings Per Lot	
Lots less than 13,500 Square Feet	--
Lots 13,500 square feet and larger	1 dwelling per lot for every 6,750 square feet (fractional values are rounded down to the nearest whole number)
Maximum Dwellings Per Lot(1)	
Alley Access Only Lot	1 dwelling per lot
Lots less than 2,250 square feet	No additional dwellings after [date of adoption]
Lots between 2,250 and 4,499 square feet	1 dwelling per lot

Table 9.3625 S-JW Jefferson Westside Special Area Zone Development Standards (See EC 9.3626 Special Development Standards for Table 9.3625.)	
Lots between 4,500 and 8,999 square feet	2 dwellings per lot
Lots 9,000 square feet and larger	1 dwelling per lot for every 4,500 square feet (fractional values are rounded down to the nearest whole number)
Maximum Building Height (2) (9)	
Minimum Building Setbacks (3) (4) (5) (9)	
Maximum Lot Coverage (6) (7)	50%
Maximum Vehicle Use Area (6)	20%
Common and Private Open Space (7)	
Fences (8)	
(Maximum Height Within Interior Yard Setbacks)	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches

9.3626 Special Development Standards for Table 9.3625.

- (1) **Density.** For purposes of determining the maximum allowable dwellings on a lot:
- (a) 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 shall be counted as one dwelling.
 - (b) Two dwellings that together have a total of six or fewer bedrooms, and that are the only dwellings located on a street-fronting lot that is at least 4,500 square feet, and where at least one residential building on the lot has a front facade that faces a street and is within the street maximum setback, shall be counted as two dwellings.
 - (c) For cases not covered by sections (a) and (b), above, the dwelling count shall be the sum of the dwelling counts calculated under the following subsections:
 1. The total dwelling count for all dwellings with three or fewer bedrooms shall be the number of dwellings,
 2. The total dwelling count for all dwellings with four or more bedrooms shall be the total number of bedrooms in these dwellings divided by three. Fractional dwelling counts resulting from this calculation shall be rounded up to the next whole number, e.g. a total of seven bedrooms counts as three dwellings.
 - (d) Dwelling counts shall be recalculated as part of the City's consideration of any new development proposing to increase the number of dwellings or bedrooms on a lot. The proposed change shall not be permitted unless the new dwelling count will comply with all applicable standards in this section.
 - (e) In addition to the Maximum Dwellings Per Lot allowed by Table 9.3625, one additional dwelling may be established on a lot that is between 9,000 square feet and 12,499 square feet, and up to two additional dwellings may be established on a lot that is 13,500 square feet or larger, so long as:
 1. No residential building on the lot has more than two dwellings;
 2. No dwelling on the lot has more than three bedrooms; and
 3. No dwelling added to the lot after [date of adoption] or that is on a lot that has more than the number of dwellings allowed on the lot

by Table 9.3625 has more than 800 square feet of living area or any point (other than chimney) higher than 18 feet.

- (f) Multi-lot developments. 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). A multi-lot development site cannot include an alley access only lot or a lot less than 4,500 square feet.

(2) Building Height.

(a) Residential buildings.

- 1. On a street-fronting lot that is not an alley access only lot, the maximum height of any part of a residential building within 60 feet of the lot line abutting the street is:
 - a. For any section of a roof that has at least a 6:12 pitch (i.e. a slope of 6 inches vertically for every 12 inches horizontally) for the entire roof section: 30 feet.
 - b. Otherwise: 18 feet.
 - c. For a lot that meets the definition of "Street-fronting lot" with respect to more than one street, the 60 foot distance shall be measured from the shortest lot line that meets the requirements under the definition of "Street-fronting lot."
 - 2. The maximum height of any part of a residential building not covered under subsection 1., above, is 18 feet.
 - 3. Chimneys on residential buildings may exceed the maximum height limits by no more than 5 feet.
- (b) The maximum height of any part of a garage or building that is not a residential building is 15 feet.
 - (c) The height of any part of a structure shall be measured as its vertical distance above grade.

(3) Alley and Street Setbacks.

- (a) Alley minimum setback. Except as provided under subsection (a)1., below, all buildings shall be set back a minimum of the distance specified in subsections 1. and 2., below, from any portion of a lot line that abuts an alley and from any alley right-of-way easement, whichever would result in a greater setback distance.
 - 1. Residential buildings: 5 feet. All intrusions allowed by EC 9.6745 ("Setbacks-Intrusions Permitted") and not explicitly prohibited by other provisions applicable in the S-JW Special Area Zone are allowed but no intrusion may penetrate more than two feet into the setback.
 - 2. Other structures: 2 feet. No intrusions are allowed.
- (b) Street setback.
 - 1. Residential buildings.
 - a. Minimum setback shall be:
 - (1) 15 feet from any portion of a lot line that abuts a street and from any street right-of-way easement, whichever would result in a greater setback distance; or
 - (2) The average setback distance to the widest portion of the front facades of the two nearest residential buildings, one on each adjacent property on the side

- of the subject property, that face the same street, but not less than 10 feet; or
 - (3) Where there are not two dwellings as described in (2), above, one half the sum of 15 feet plus the setback distance to the widest portion of the front facade of the nearest residential building on a different property that faces the same street, but not less than 10 feet
 - (3) All intrusions allowed by EC 9.6745 ("Setbacks-Intrusions Permitted") and not explicitly prohibited by other provisions applicable in the S-JW Special Area Zone are allowed. No intrusion may penetrate closer than 10 feet from any portion of a lot line that abuts a street and from any street right-of-way easement.
 - b. Maximum setback on a street-fronting lot that is not an alley access only lot:
 - (1) At least one residential building on the lot must have at least 25 feet or 100 per cent, whichever is less, of its main facade width located within 30 feet of the portion(s) of a lot line that abuts the street or the easement that the main facade faces.
 - (2) The maximum front yard setback can be increased to one of the following measurements, but to no more than 35 feet:
 - (A) The average setback distance to the widest portion of the front facades of the two nearest residential buildings, one on each adjacent property on the side of the subject property, that face the same street; or
 - (B) Where there are not two such dwellings as described in (A), one half the sum of 30 feet plus the setback distance to the widest portion of the front facade of the nearest residential building on a different property that faces the same street.
 - (3) On a corner lot (i.e., a lot that abuts two intersecting streets), the street minimum setback requirement may be reduced to 10 feet for no more than a 30-foot extent of one residential building on one of the streets, when that residential building meets the following conditions:
 - (A) The residential building has a main entrance that meets the requirements in EC 9.3625(4) with respect to a different street and complies with the 15 foot minimum street setback requirement with respect to that street; and
 - (B) No dwelling in the residential building has a main entrance within the extent of the façade to which the 10 foot setback applies.
- 2. Garages and buildings that are not residential buildings shall meet the following minimum setback requirements:
 - a. 21 feet from any portion of a lot line that abuts a street and from any street right-of-way; and

- b. On all lots except alley access only lots: 6 feet behind the street-facing façade, other than the façade of an attached garage, that is furthest from the street of the residential building closest to the street that the garage or non-residential building faces.
 - (c) Special setback provisions may also apply, see EC 9.6750 Special Setback Standards.
 - (4) **Interior Yard Setbacks.** For purposes of this subsection, “generally parallel” shall mean within 30 degrees of parallel, and the term “generally perpendicular” shall mean within 30 degrees of perpendicular. Except as provided in subsections (c) through (f) of this subsection:
 - (a) For a street-fronting lot that is not an alley access only lot, for any portion of an interior lot line that is located within 60 feet of a lot line abutting a street and generally perpendicular to the side of the lot along which the interior lot line lies: The setback shall be at least 5 feet from the interior lot line and a minimum of 10 feet from structures on other lots. In addition, at a point that is 12 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from the lot line.
 - (b) Setbacks from all other portions of interior lot lines, not covered in subsection (a), 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.
 - (c) All intrusions allowed by EC 9.6745 (“Setbacks-Intrusions Permitted”) and not explicitly prohibited by other provisions applicable in the S-JW Special Area Zone are allowed, except that:
 - 1. The maximum extent of allowable intrusions into the sloped portion of a setback shall be measured horizontally from the sloped plane of the setback.
 - 2. 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.
 - (d) On a street-fronting lot that is not an alley access only lot, a residential building with a main roof that is gabled or hipped and has a ridgeline generally parallel to a lot line abutting the street may have a single gable or hipped portion on each side of the building intrude into the sloped portion of the interior yard setback, as long as the entire intrusion is within 60 feet of the respective lot line abutting the street and the maximum width of the part of the building that penetrates the sloped setback is 35 feet.
 - (e) 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 all the following requirements:
 - 1. Has at least 4 square feet of window(s) in the end (face) wall.
 - 2. Has a minimum setback of 7 feet from interior lot lines and is a minimum of 10 feet from structures on other lots.
 - 3. Maximum width.

- a. 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.
 - b. 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.
 - 4. The dormer's sidewalls (if any) are setback a minimum of 2 feet from the nearest generally parallel outer wall of the building to which the dormer is attached.
- (f) Exceptions.
 - 1. Structures may intrude into the sloped portion of any interior yard setback as long as the lot owner secures and records in the office of the Lane County Recorder a maintenance access easement adjacent to intrusive side of the structure. The easement shall provide a 5-foot wide access the entire length of the intrusion and 5 feet beyond both ends, and require a 10-foot separation between buildings on separate lots. The easement shall be on a form provided by the city, shall be approved by city staff, and be subject to review and payment of a fee set by the city manager.
 - 2. Structures may intrude into an interior yard setback arising from a lot line between an alley access only lot and the lot between the alley access only lot and the street, as long as the property owner secures and records a maintenance access easement as described in 1, above.
- (g) Easements. Except where buildings abut or share a common wall, the owner of a lot or parcel with an interior yard of less than 5 feet from the adjacent property line must secure and record in the office of the Lane County Recorder a maintenance access easement adjacent to that side of the building. The easement shall provide a 5-foot wide access the entire length of the building and 5 feet beyond both ends, and require a 10-foot separation between buildings on separate lots. The easement shall be on a form provided by the city, shall be approved by city staff, and be subject to a review and payment of a fee set by the city manager. There shall be no projection of building features into this easement.
- (5) Window Setback above First Floor.** For purposes of this subsection, "generally parallel" shall mean within 30 degrees of parallel.
 - (a) Except as provided in (b), windows above the first floor shall be setback a minimum of 10 feet from interior lot lines.
 - (b) Windows that are within 60 feet of a lot line abutting the street of a street-fronting lot that is not an alley access only lot, and that are in a gable or hipped end of a residential building with a main roof ridgeline generally parallel to the respective lot line abutting the street, are excluded from the setback requirement in (a), above.
- (6)** The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, is 20 percent of the total development site area.
- (7) Common and Private Open Space.**

- (a) All developments of three or more dwellings (as calculated under EC 9.3626(1)) shall include common or private open space, or a combination thereof, that equals or exceeds the greater of the following two areas:
 - 1. 20% of the development site area.
 - 2. 25% of total living area.
- (b) Any common open space intended to meet the requirements of this subsection (7) may include only those the areas listed under EC 9.5500(9)(a)(1) and (2). No indoor area may be counted as common open space.
 - 1. The minimum area for any common open space shall be 250 square feet.
 - 2. The boundaries of any area counted as common open space must be sufficient to encompass a square with 15 foot sides.
- (c) Any private open space intended to meet the requirements of this subsection (7) shall be consistent with EC 9.5500(9)(b).
- (d) An open space credit shall be allowed consistent with EC 9.5500(9)(c)2 for qualifying setback areas. The EC 9.5500(9)(c)1 credit for public parks is not allowed.

(8) Fences.

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
 - 1. Fences up to 42 inches in height are permitted within the required front yard setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. (See Figure 9.2751(13)(b)1.)
 - 2. Fences up to 6 feet in height are permitted within the required interior yard setback.
 - 3. The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.
 - 4. Fences must meet the standards in EC 9.6780 Vision Clearance Area.

- (9) Maximum building height and minimum building setbacks may be modified with an approved planned unit development permit. (For planned unit development procedures refer to EC 9.7300 General Overview of Type III Application Procedures and for approval criteria refer to EC 9.8320 Tentative Planned Unit Development Approval Criteria - General.)

9.3630 S-JW Jefferson Westside Special Area Zone Lot Standards. The following Table 9.3630 sets forth S-JW Jefferson Westside Special Area Zone lot standards, subject to the special standards in EC 9.3631.

Table 9.3630 S-JW Jefferson Westside Special Area Zone Lot Standards (See EC 9.3631 Special Standards for Table 9.3630.)	
Lot Area Minimum (1)	

Table 9.3630 S-JW Jefferson Westside Special Area Zone Lot Standards (See EC 9.3631 Special Standards for Table 9.3630.)	
Lots, except Small Lots, Alley Access Only Lots	4,500 square feet
Small Lots (2)	2,250 square feet or per Cluster Subdivision or PUD
Alley Access Only Lots (4)	2,250 square feet
Frontage Minimum (1)	
Interior Lot	45 feet
Corner Lot	45 feet
Lot Area Maximum (3)	13,500 square feet

9.3631 Special Standards for Table 9.3630.

- (1) (a) Lot frontage requirements may be met by a lot that abuts a street or an alley continuously for the required length indicated in Table 9.3630.
- (b) A lot must be of sufficient size and/or have sufficient on-street parking to meet applicable vehicle parking requirements under EC 9.3625(3)(b)4 or EC 9.3625(7) for one dwelling, or all existing dwellings on the lot at the time the lot is created, whichever is greater.
- (c) Rectilinear shape. A lot line segment is a portion of the boundary line of a lot that is bounded on each end by an angle and that contains no angles within the line segment. (The point at which a straight line intersects a curved line is considered an angle.)
1. All lot line segments must be straight lines and intersect at right angles (90 degrees).
 2. Exceptions
 - a. 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.
 - b. An angle between 45 and 135 degrees is allowed where a new lot line intersects a lot line segment that existed prior to [the date these standards were adopted] and the existing lot line segment did not intersect both its adjoining lot line segments at right angles.
- (d) A lot's boundaries must be sufficient to fully encompass a rectangle of the following size:
1. Alley access only lots: 45'x35'
 2. Other lots: 45'x45'
- (e) Minimum interior lot dimension. The minimum distance between any two non-intersecting lot line segments is 35 feet when measured by a straight line that does not begin or end at an intersection of any two lot line segments and that lies entirely within the lot's boundaries.
- (f) The Property Line Adjustment provisions at EC 9.8400 through 9.8420 are available within the S-JW zone only for adjustment of a portion of a lot line that existed in its current location as of [the date these standards are adopted]. Such lot lines may be adjusted by up to 5 feet, measured perpendicularly from the lot line's current location, and consistent with all other applicable lot standards. A Property Line Adjustment allowed under this section may be up to 10 feet if the adjustment is necessary to accommodate an encroachment that existed as of [the date these standards are adopted].

- (g) A lot must have the capacity for vehicular access from an alley or street consistent with access standards in the EC.
- (h) The creation of a new flag lot is prohibited in the S-JW Jefferson Westside Special Area Zone.
- (2) Other than an alley access only lot, a lot with an area of less than 4500 square feet:
 - (a) May be created only if:
 - 1. The original lot from which the small lot is created abutted a street for at least a continuous 45 feet and was at least 6,750 square feet prior to the creation of the small lot; and
 - 2. Shall not have an existing dwelling that has more than three bedrooms.
 - 3. Only one “small lot” may be created from any portion of a lot that exists as of [the date these standards are adopted].
 - (b) No new dwelling with more than three bedrooms is allowed on a small lot.
- (3) Exceptions to the maximum lot size shall be granted if any of the following is met:
 - (a) Existing physical circumstances such as topographically constrained lands, conservation easements, existing buildings, or utility easements prevent the ability to further divide the lot.
 - (b) The lot exceeding the maximum lot size is intended to reserve a large lot for future land division with feasibility demonstrated by a conceptual buildout plan.
 - (c) The subdivision achieves a minimum density of 9 units per net acre.
 - (d) The exception will enable protection of natural resources.
- (4) An alley access only lot may be created only if:
 - (a) The original lot from which the alley access only lot is created abuts a street for at least a continuous 45 feet and is at least 6,750 square feet prior to the creation of the alley access only lot;
 - (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]; and
 - (c) A new alley access only lot must include the entire portion of the original lot’s lot line that abuts the alley.

9.3640 Non-conforming development.

- (1) Existing development that does not meet the lot coverage or open space requirements at EC Table 9.3625, 9.3626(6) or (7) must be brought into conformance with the lot coverage and open space standards in those code sections only when any additional dwelling is created or the number of bedrooms in any dwelling is increased to four or more. However, no development may increase the extent of non-conformance.
- (2) Existing development that does not meet the driveway or parking requirements at EC 9.3625(3), (6) or (7) must be brought into conformance with those driveway and parking standards only when:
 - (a) An additional dwelling is created on the lot;
 - (b) The number of bedrooms in any dwelling on the lot is increased to four or more; or
 - (c) The proposed development would otherwise result in an increase in the extent of the existing driveway’s or parking area’s non-conformance.

- (3) A non-conforming driveway or parking area may be paved or re-paved to the extent of the driveway or parking area that existed as of [the date these standards are adopted] without having to be brought into conformance.
- (4) Legally established buildings and uses conforming to the residential net density requirements in the R-2 zone on December 7, 1994 are exempt from EC 9.1210 to 9.1230 Legal Nonconforming Situations, pertaining to nonconforming uses. This exemption is limited to development sites in the S-JW Jefferson Westside Special Area Zone on which residential buildings and uses existed, or in which a development permit or land use application was pending, on December 7, 1994. If such a building which is nonconforming as to minimum density is destroyed by fire or other causes beyond the control of the owner, the development site may be redeveloped with the previous number of dwelling unit(s) if completely rebuilt within 5 years. If not completely rebuilt within 5 years, the development site is subject to the density standards for the S-JW Jefferson Westside Special Area Zone.

9.8030(26) S-JW Jefferson Westside Special Area Zone. The following standards applicable within the S-JW Jefferson Westside Special Area Zone may be adjusted upon a finding that the adjustment is consistent with the following criteria.

- (1) **Driveway width.** An additional two feet of width is allowed for any portion of a driveway that takes access from a street based on the following criteria:
 - (a) The additional driveway width 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 cannot be practicably relocated to a different location that would not create a driveway obstacle; and
 - (b) The additional area allowed under this adjustment is the minimum necessary to accomplish the objective under (1)(a), above.
- (2) Means of primary vehicle access. A dwelling considered to have its primary vehicle access from the alley, according to EC 9.3625(3)(a)2.b., may be considered to have its primary vehicle access from the street if the applicant demonstrates that physical conditions or code standards preclude the establishment of vehicle parking on any part of the lot that could be accessed from the alley.

Jefferson-Far West Refinement Plan

Land Use Policies, Jefferson Area 16. East Medium Density Residential Area

This area shall be recognized as appropriate for application of the Special Area Zone-Jefferson-Westside (S-JW). The S-JW zone shall be the only permissible zone in this area. The S-JW zone is consistent with and implements the Medium Density Residential Metro & Refinement Plan designation within its boundaries.

Westside Neighborhood Plan

Land Use Policies, Central Residential Area

Policy 5. This area shall be recognized as appropriate for application of the Special Area Zone-Jefferson-Westside (S-JW). The S-JW zone shall be the only permissible zone in this area. The

S-JW zone is consistent with and implements the Medium Density Residential Metro & Refinement Plan designation within its boundaries.