

Council Business Meeting

June 19, 2018

Title: Accessory Residential Unit Ordinance Amendments and Miscellaneous Edits for Clarity and Consistency
From: Maria Harris Planning Manager
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Summary:

The proposed ordinance amendments would exempt accessory residential units (ARUs) from the planning application process that are less than 500 square feet in size and located within or attached to a single-family home. The amendments would allow a property owner to obtain a building permit to convert existing floor area or construct an ARU attached to a home.

The amendments are intended to create a streamlined ARU approval process to provide an incentive for property owners to develop small ARUs. At the same time, the amendments are designed to preserve the character of existing neighborhoods by integrating the small second units in the building volume that would normally be allowed for a single-family home.

The objective of modifying the ARU standards and approval process is to increase the rental housing supply and the supply of smaller housing units for Ashland's significant share of single-person and small households. In addition, the amendments refine Ashland's ARU standards and approval process to address the requirements of Senate Bill 1051 that the Oregon Legislature passed in 2017.

The proposed ordinance also includes miscellaneous edits for clarity and consistency, often referred to as housekeeping amendments. The housekeeping amendments involve changes to the ordinance to remove repetitive language, correct omissions from the 2015 code update, provide clarification to existing sections and define terms that are currently used in the code. A list of the housekeeping amendments is included in the background section of this report. In addition, the attached draft ordinance includes staff notes explaining the housekeeping amendments as well as the ARU standard changes.

The public hearing and first reading of the ordinance are scheduled for the June 19, 2018 City Council business meeting.

The Planning Commission recommended approval of the attached ordinance amendments and their report is attached. The Planning Commission held a public hearing on April 24, 2018 and reviewed the draft amendments on April 24, 2018 and May 8, 2018. The Planning Commission initially discussed providing more flexibility for homeowners that are interested in locating an accessory residential unit (ARU) within or attached to their homes at the May 2017 annual retreat. Prior to the public hearing, the Commission held four study sessions on [August 22, 2017](#), [October 24, 2017](#), [November 28, 2017](#) and [February 27, 2018](#).

Actions, Options, or Potential Motions:

I move to approve first reading of an ordinance titled, “An ordinance amending chapters 18.2.2, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.5.2 and 18.6.1 of the Ashland Land Use Ordinance relating to accessory residential units and miscellaneous edits for clarity and consistency,” and to move the ordinance to second reading.

Staff Recommendation:

Staff recommends approval of first reading of the ordinance amendments as presented.

Resource Requirements:

The review of ARU building permits is currently part of the normal work flow for Planning and Building Division staff. Any increases in the ARU building permits can continue to be covered with existing resources.

Policies, Plans and Goals Supported:

The project addresses a variety of City Council goals and strategies, adopted City plans and State requirements.

The City Council identified developing and supporting land use and transportation policies to achieve sustainable development (Goal 13) and developing infill and compact urban form as a mid-priority item in the *2015-2017 Council Goals and Objectives* (Objective 13.2).

The *2015-2017 Council Goals and Objectives* also identified a goal of seeking opportunities to enable all citizens to meet basic needs (Goal 5) and an objective to pursue affordable housing opportunities, especially workforce housing and identify specific incentives for developers to build more affordable housing (Objective 5.2).

Statewide Planning Goal 10 requires cities to inventory and plan for buildable lands for residential use to provide for adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and to allow for flexibility of housing location, type and density.

In 2017, Oregon passed Senate Bill 1051 which included a provision that requires cities and counties to allow at least one accessory dwelling unit (ADU) per lot in areas zoned for detached single-family dwellings subject to reasonable local regulations relating to siting and design. The new regulations become effective on July 1, 2018. See [*Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051*](#) by the Oregon Department of Land Conservation and Development, March 2018.

The *Ashland Comprehensive Plan* includes a goal to “Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city.

The 2012 *Ashland Housing Analysis* identified a deficit in rental housing for extremely-low income (less than 30 percent of area median income) and low-income households (between 30 and 50 percent of area median income) and recommended more rental studio and one-bedroom units.

The City of Ashland participated in the regional planning process that resulted in the adoption of the *Greater Bear Creek Valley Regional Plan* in 2012. Cities throughout the region identified reserve areas to accommodate housing for future population growth. The City of Ashland decided to accommodate housing for future population with the Ashland's current boundaries rather than identify future growth areas on the perimeter of the city.

The City of Ashland committed to provided 6.6 units per gross acre for new development as part of the regional planning process. Recent data from the regional housing strategy shows that new development from 2007 through 2016 resulted in 6.34 units per gross acre, falling below the target. Single-family development in the same time period was at 5.45 dwelling units per gross acre and multifamily development was at 10.41 dwelling units per gross acre.

Background and Additional Information:

A. Exempt ARUs

The new group of small ARUs that would be exempt from the planning application process would not be required to provide additional off-street parking for the ARU if parking is permitted on the street within 200 feet of the property. The small ARUs would continue to be required to meet the existing ARU standards including a maximum of one ARU per lot, the gross habitable floor area (GHFA) of the ARU could not exceed 50 percent of the primary residence, and the addition of the ARU would continue to require the property to meet the lot coverage and setback requirements of the underlying zone.

The new group of small ARUs would be allowed in the Single-Family Residential (R-1), Suburban Residential (R-1-3.5), Rural Residential (RR), Normal Neighborhood (NN) and North Mountain Neighborhood (NM) zones. ARUs are currently allowed in these same zones but require a planning application for Site Design Review before moving to the building permit stage.

B. ARUs Requiring a Planning Actions

ARUs located in structures separated from the single-family home (i.e., detached), ARUs in the historic districts, ARUs that are 500 square feet and greater in size, and ARUs located in the multi-family zones (R-2 and R-3) would continue to require a planning application and involve the public notice process. These applications typically include elements that deserve a more comprehensive evaluation by staff, including placement, excavation, historic standards and tree removal.

The off-street parking requirement for ARUs is proposed to be amended so that one off-street parking space would be required for ARUs up to 800 square feet in size. The current requirement is one off-street parking space is required for ARUs up to 500 square feet in size and larger units require two off-street parking spaces. This amendment would make the ARU

parking requirement the same as the recently adopted cottage housing parking requirement. ARUs are also exempted from having to widen and pave the driveway, and from having to provide parking lot landscaping typical of a multi-family or commercial development.

The Planning Commission also recommended amendments to the existing standards for ARUs in the Rural Residential (RR) zone. The Commission recommended deleting the requirement that ARUs are located on slopes less than 25 percent slope. The Commission felt the requirement for a planning approval for development of slopes 25 percent and greater adequately addresses slope stability issues with a geotechnical review of foundation, drainage and cut/fill areas. The Commission also recommended deleting the requirement in the RR zone that the ARU be accessed by a city street paved to a minimum of 20 feet in width with curbs, gutters and sidewalks. There are 350 lots in the RR zone out of approximately 9,400 lots in the city limits. Staff's research shows there are 40 streets in the RR zone and more than half of those streets do not meet the existing street requirement.

C. Housekeeping Amendments

The proposed housekeeping amendments involve changes to the ordinance to remove repetitive language, correct omissions from the 2015 code update, provide clarification to existing sections and define terms that are currently used in the code. The Planning Commission reviewed the housekeeping amendments and recommended approval. Staff believes the housekeeping amendments are not substantive in nature because the proposed changes are either intended to make the existing wording more clear or are items that were inadvertently repeated or deleted in the 2015 code update.

The housekeeping amendments are explained in the staff notes in the attached draft ordinance and are summarized below. Page numbers refer to Attachment 1 to this memo – the proposed ordinance amendments with staff notes.

- **Page 3, Section 1** – deletes repetitive language concerning prohibited uses and uses regulated by overlay zones.
- **Page 7, Table 18.2.2.030 Uses Allowed by Zone** – deletes “Community Services, includes Governmental Offices and Emergency Services” because the use is listed twice in table.
- **Page 7, Table 18.2.2.030 – Uses Allowed by Zone** – makes “Public Parking Facility” a permitted use in the E-1 and M-1 zones because this was allowed in the pre-2015 code.
- **Page 8, Table 18.2.2.030 Uses Allowed by Zone** – deletes Public Works/Utilities Storage Yard” because the use is listed twice in table.
- **Page 8, Table 18.2.2.030 Uses Allowed by Zone** – under “Utility and Service Building, Yard and Structure,” deletes reference to underground utilities and adds prohibition on yards in the RR and WR zones to reflect the pre-2015 code.
- **Page 8-9, Table 18.2.2.030 Uses Allowed by Zone** – under “Automotive and Truck Repair, or Service,” adds clarifying language that in the C-1 zone, fuel sales and service allowed as a conditional use outside of the Freeway Overlay zone to reflect pre-2015 code.

- **Page 9, Table 18.2.2.030 Uses Allowed by Zone** – under “Automotive and Truck Repair, or Service” adds clarifying language that in the E-1 zone, auto and truck repair must be 200 feet or more from residential zones to reflect pre-2015 code.
- **Page 9, Table 18.2.2.030 Uses Allowed by Zone** – under “Automotive Sales and Rental,” repetitive wording about prohibition in historic district overlay is deleted.
- **Page 10, Table 18.2.2.030 Uses Allowed by Zone** – under “Lumber Yard and Similar Sales,” adds rental of building and contracting equipment. Rental of building and contracting was allowed in the pre-2015 code.
- **Page 10, Table 18.2.2.030 Uses Allowed by Zone** – under “Office,” deletes reference to Commercial Services because there is no use category for Commercial Services.
- **Page 11, Table 18.2.2.030 Uses Allowed by Zone** – Restaurants added as a commercial use to reflect pre-2015 code. Restaurants as a use were inadvertently omitted in the 2015 code update.
- **Page 11, Table 18.2.2.030 Uses Allowed by Zone** – under “Commercial Retail Sales and Services,” commercial deleted because the term isn’t used in the remainder of code.
- **Page 15, Section 3** – corrects numbering of reference to micro –livestock enclosure section.
- **Page 16, Section 4** – reformatted general use regulations of Normal Neighborhood District for consistency with base zones and other special districts.
- **Page 18, Section 5** – provides reference to cottage housing standards in Normal Neighborhood District chapter 18.3.4.
- **Page 18, Section 6** – reformatted general use regulations of North Mountain Neighborhood District for consistency with base zones and other special districts.
- **Page 22, Table 18.4.3.040 Automobile Parking Spaces by Use** – provides clarification that detached single-family dwellings require two off-street parking spaces and attached single-family dwellings (e.g., townhomes) require off-street parking based on the size of the units.
- **Page 24, Section 10** – clarification added that the Planning Commission can adjust proposed parking reduction based on evidence and testimony received.
- **Page 29, Section 16** – definition of Accessory Use added.
- **Page 30, Section 16** – definitions of private parking area and public parking area added. Public parking area or lot is an allowed use.
- **Page 31, Section 16** – cross reference to definition of Accessory Use added to definition of Accessory Structure.
- **Page 31 Section 16** – examples of retail services added to definition of Retail Sales and Services.

Attachments:

1. Proposed ordinance amendments with staff notes
2. Planning Commission Report, May 8, 2018
3. Proposed ordinance to amend AMC Title 18 Land Use for ARU standards and housekeeping changes
4. Record for Planning Action PA-L-2018-00002

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 18.2.2, 18.2.3, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.9, 18.5.2 AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE RELATING TO ACCESSORY RESIDENTIAL UNITS AND MISCELLANEOUS EDITS FOR CLARITY AND CONSISTENCY

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Statewide Planning Goal 10 requires cities to inventory and plan for buildable lands for residential use to provide for adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density; and

WHEREAS, the Legislature passed Senate Bill 1051 in 2017 which included a requirement that cities with populations greater than 2,500 and counties with populations greater than 15,000 allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones subject to reasonable local regulations relating to siting and design; and

WHEREAS, the City Council identified the need to provide incentives to create affordable and workforce housing in the 2015-2017 Council Goals and Objectives; and

WHEREAS, the Ashland Comprehensive Plan includes a goal to “Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city; and

WHEREAS, the 2012 Ashland Housing Analysis identified a deficit in rental housing for extremely-low income (less than 30 percent of area median income) and low-income households (between 30 and 50 percent of area median income) and recommended more rental studio and one-bedroom units; and

WHEREAS, Ashland began allowing accessory residential units (ARUs) in 1991 with 191 ARUs approved since that time, and has found that the introduction of second units in single-family zones provides rental units and at the same time preserves neighborhood character; and

WHEREAS, the 2016 American Community Survey shows that 39.4 percent of Ashland households are single-person compared to 27.8 percent of Oregon Households, and 44.8 percent of single-person households in Ashland are renter-occupied compared to 36 percent of single-person households in Oregon are renter-occupied; and

WHEREAS, the City Council determined it is necessary to amend the ARU requirements to

respond to changes in the housing supply, in part affected by the lack of construction of housing units during the recession, to encourage the development of small units less than 500 square feet in size to help address Ashland's small household and rental needs; and

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, under Oregon law, local governments may regulate the operation and location of certain types of uses within their jurisdiction limits except when such action has been specifically preempted by state statute; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on April 24, 2018; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on June 19, 2018; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Section 18.2.2.030 [Base Zones and Allowed Uses – Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.2.030 Allowed Uses

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. ~~Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.~~
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3. ~~For regulations applying to the City's overlays zones, please refer to part 18.3.~~
- F. Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.
- G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:
1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be

Commented [MH1]: Removed because repetitive – covered under subsections D and E below.

accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.

3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

- I. **Disclaimer.** Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone. Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	<u>P or S</u>	<u>P or S</u>	S	S	<u>P or S</u>	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling

Commented [MH2]: Adds the new exempt ARUs as a "P" permitted use.

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses² <i>(continued)</i>										
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
D. Public and Institutional Uses <i>(continued)</i> ³										
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	NP	NP	

Commented [MH3]: Deleted because duplicates "Government Offices and Emergency Services" below.

Commented [MH4]: Correction because public parking facility allowed in E-1 and M-1 in the pre-2015 code.

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	P	P							
D. Public and Institutional Uses (continued) ⁴										
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU									
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	<u>Includes public service building, yard, and structures such as public works yards</u> Yards not allowed in the RR, WR, and C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050

Commented [MH5]: Deleted because duplicates "Utility and Service Building Yard, and Structure, Public and Quasi-Public" below.

Commented [MH6]: Added in 2015 to clarify that utilities running underground throughout the City do not fall into this category. However, the language is confusing because it can be read that underground utilities are prohibited in the zones where utility and service buildings are not allowed (e.g., R-2 and R-2).

Commented [MH7]: Correction because yards were not allowed in the RR, WR and C-1 zones in the pre-2015 code.

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.										In C-1 zone, fuel sales and service limited to is a permitted use provided within the Freeway Overlay , see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones ; fuel sales and service requires CU permit
E. Commercial Uses (continued)⁵										
Automotive Sales and Rental, except within the Historic Interest Area ; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except n Not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+ S	CU+ S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning

Commented [MH8]: Correction because: 1) in the C-1 zone, gas stations were allowed as a conditional use outside of the Freeway Overlay in the pre-2015 code and 2) in the E-1 zone auto and truck repair is required to be 200 feet or more from residential zones in the pre-2015 code.

Commented [MH9]: Deleted because duplicates wording in Special Use Standards column.

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										Commission may approve a permanent facility through the Type II procedure
E. Commercial Uses (continued)⁶										
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales <u>and Rental</u> of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	NCU	CU	P	
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	

Commented [MH10]: Rental of building or contracting supply added because allowed in pre-2015 code.

Commented [MH11]: Reference to commercial services deleted because it doesn't point to anything.

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses (continued)⁷										
Restaurants	N	N	N	N	N	N	P	P	P	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler-s' Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit

Commented [MH12]: Restaurants were inadvertently removed as a use in the 2015 code update.

Commented [MH13]: "Commercial" is deleted because term isn't used in definitions chapter.

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
F. Industrial and Employment Uses <i>(continued)</i> ⁸										
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted

⁸ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
F. Industrial and Employment Uses <i>(continued)</i> ⁹										
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM, within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

⁹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

SECTION 2. Section 18.2.3.040 [Special Use Standards – Accessory Residential Unit] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.040 Accessory Residential Unit

~~Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements. Accessory residential units are subject to Site Design Review under chapter 18.5.2, except as exempted in subsection 18.2.3.040.A, below.~~

- A. ~~Exemptions. Accessory residential units are permitted outright with an approved building permit, and are allowed without a Site Design Review under chapter 18.5.2 provided that the accessory residential unit meets all of the following requirements.~~
- ~~1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM zones. Accessory residential units in the R-2 and R-3 zones require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.~~
 - ~~2. The accessory residential unit meets all of the requirements of the applicable zone in subsections 18.2.3.040.B, C, E and F, below, except as otherwise exempted in subsection 18.2.3.040.A.~~
 - ~~3. The size of the accessory residential unit is less than 500 square feet of gross habitable floor area (GHFA).~~
 - ~~4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in the Historic District overlay and including exterior building changes and accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.~~
 - ~~5. The property must have two off-street parking spaces, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.~~
 - ~~6. Additional off-street parking is not required for the accessory residential unit if on-street parking is permitted within 200 feet of the property. Alternatively, one off-street parking space may be provided on the property in conformance with the off-street parking provisions for accessory residential units in section 18.4.3.080.~~

~~AB.R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.~~

- ~~1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.~~
- ~~2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.~~
- ~~3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not~~

Commented [MH14]: Creates new group of ARUs that are permitted outright subject to the standards in section A.

Commented [MH15]: Eliminates the requirement that ARUs are counted in the density of subdivision.

exceed 50 percent of the GHFA of the primary residence on the lot and shall not exceed 1,000 square feet GHFA.

4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the **requirements in subsections 1 and 2 of 18.4.3.080.D** and paving requirements in subsection 18.4.3.080.E.1.

BC.RR Zone. In addition to the standards in subsection ~~18.2.3.040.A~~**18.2.3.040.B**, accessory residential units in the RR zone shall meet the following requirements.

1. ~~If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.~~
2. ~~The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.~~
3. No on-street parking credits shall be allowed for accessory residential units.
4. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

Commented [MH16]: Developments in hillside lands (25 percent slope and greater) requires a planning approval.

CD.R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection ~~18.2.3.040.A~~**18.2.3.040.B**, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

E. NN Zones. Accessory residential units in the Normal Neighborhood District under chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.B.

F. NM Zones. Accessory residential units in the North Mountain Neighborhood NM zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.B, except that the maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 750 square feet GHFA and that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.

Commented [MH17]: Provides cross reference to Normal Neighborhood district in chapter 18.3.4 and North Mountain Neighborhood District in chapter 18.3.5.

SECTION 3. Section 18.2.3.160(B) [Special Use Standards – Keeping of Livestock and Bees] of the Ashland Land Use Ordinance is hereby amended as follows:

B. Structures. Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns, and other structures, shall be in compliance with ~~18.2.4.020~~**subsection 18.2.5.040.D**, this ordinance and with all applicable building codes.

Commented [MH18]: Corrected reference to section that covers the requirements of and setbacks to micro-livestock enclosures.

SECTION 4. Section 18.3.4.040(C) [Normal Neighborhood District – General Use Regulations] of the Ashland Land Use Ordinance is hereby amended as follows:

C. ~~General Use Regulations~~ Allowed Uses. Uses and their accessory uses are permitted, special permitted or conditional uses in the Normal Neighborhood Plan area as listed in the Land Use Table.

Commented [MH19]: Subsection edited to provide consistency in formatting and terminology of use section in special districts (i.e., North Mountain)

1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.
 - a. Permitted Uses. Uses listed as “Permitted (P)” are allowed.
 - b. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.
 - c. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
 - d. Prohibited Uses. Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.
2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.
3. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
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Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone¹⁰

¹⁰ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
	Normal Neighborhood District Zones¹¹			
	NN-1-5	NN-1-3.5	NN-1-3.5-C	NN-2
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, <u>see Sec. 18.2.3.040</u>	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

Commented [MH20]: Adds new exempt ARUs as permitted use in Normal Neighborhood District.

4. Permitted Uses. Uses listed as “Permitted (P)” are allowed. All uses are subject to the

¹¹ Zones: NN-1-5 = Single-Family Residential; NN-1-3.5 = Suburban Residential; N-N-1-3.5-C = Suburban Residential with Commercial; MM-2 = Multi-Family Residential.

development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- ~~2. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.~~
- ~~3. Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.~~

SECTION 5. Section 18.3.4.060(B)(2) [Normal Neighborhood District – Site and Building Design Standards] of the Ashland Land Use Ordinance is hereby amended as follows:

2. Cottage Housing. ~~[Reserved]~~ **Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.**

Commented [MH21]: Provides a cross reference to the recently adopted cottage housing standards.

SECTION 6. Section 18.3.5.050 [North Mountain Neighborhood – Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.5.050 Allowed Uses

A. Uses Allowed in North Mountain Neighborhood Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. **Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited.** All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- 1. Permitted Uses. Uses listed as “Permitted (P)” are allowed.**
- 2. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to subsection 18.3.5.050.D and chapter 18.2.3 Special Use Standards.**
- 3. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.**
- 4. Prohibited Uses. Uses not listed in Table 18.3.5.050, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.**

CB Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. **For regulations applying to the City’s overlays zones, please refer to part 18.3.**

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Commented [MH22]: Subsection edited to provide consistency in formatting and terminology of use section in special districts (i.e., North Mountain).

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ¹²					
	North Mountain Neighborhood Zones ¹³				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units, <u>see Sec. 18.2.3.040</u>	<u>P or S</u>	<u>P or S</u>	<u>NP or S</u>	<u>P</u>	<u>N</u>
Cottage Housing	S	S	N	N	N
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

Commented [MH23]: Adds new exempt ARUs as permitted use in North Mountain Neighborhood District. Also adds ARUs as an allowed use in the multi-family zone of the North Mountain Neighborhood – to provide consistency with what is allowed in multi-family districts (R-2 and R-3) throughout Ashland.

¹² Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
¹³ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. Special Use Standards. The uses listed as "Permitted with Special Use Standards (S)" in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units. **Subject to the standards in section 18.2.3.040.**

~~a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.~~

~~b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.~~

~~c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.~~

~~d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.~~

~~e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.~~

2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.
3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.
4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
5. Community Services.
 - a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
 - b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
6. Manufacturing, Light.
 - a. The light manufacturing use shall occupy 600 square feet or less.
 - b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
10. Religious Institution, Houses of Worship. The same use cannot be located on a

Commented [MH24]: Provides cross reference to ARU standards in 18.2.3.040 rather than duplicate special use standards in individual chapters.

contiguous property, and there must be no more than two such uses in a given zone.

- 11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area.

SECTION 7. Section 18.3.9.050(A) [Performance Standards Option and PSO Overlay – Performance Standards for Residential Developments] of the Ashland Land Use Ordinance is hereby amended as follows:

- A. **Base Densities.** The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density. **Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.**

Commented [MH25]: Clarifies that ARUs are permitted in Performance Standards subdivision developed under chapter 18.3.9 and ARUs are not required to be included in the density calculation or amend the previous subdivision approval.

SECTION 8. Section 18.4.2.030(B) [Building Placement, Orientation, and Design – Residential Development] of the Ashland Land Use Ordinance is hereby amended as follows:

- B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.
 - 1. **Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.**

SECTION 9. Section 18.4.3.040 [Parking, Access, and Circulation – Parking Ratios] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Single-Family Dwellings	<p>2 spaces for the primary detached dwelling units and the following for accessory residential units attached dwelling units.</p> <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
<u>Accessory Residential Units</u>	<p>a. Units less than 800 sq. ft. -- 1 space/unit, except as exempted in subsection 18.2.3.040.A.</p> <p>b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. -- 2.00 spaces/unit.</p>
Multi-family Dwellings	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.
Cottage Housing	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 square feet sq. ft. and less than 1000 square feet sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 square feet sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections <u>18.2.3.170</u> and <u>18.2.3.180</u> .
Performance Standards Developments	See chapter <u>18.3.9</u> .
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square feet sq. ft. of the first 10,000 square feet sq. ft. of gross land area; plus 1 space per 5,000 square feet sq. ft. for the excess over 10,000 square feet sq. ft. of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants,

Commented [MH26]: This edit: 1) removes the ARU parking standard from the single-family dwelling use and creates a separate use category below and 2) clarifies that the fractional parking standards based on size of the dwelling unit are used for attached single-family dwellings (e.g., townhomes).

Commented [MH27]: ARUs that are not exempt from the off-street parking requirement can provide one off-street parking space for units up to 800 square feet in size, similar to cottage housing. Previously, one off-street parking space was required for ARUS up to 500 square feet in size.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	entertainment uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area. Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area. Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses. Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 10. Section 18.4.3.060 [Parking, Access, and Circulation – Parking Management Strategies] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.3.060 Parking Management Strategies

Except for single-family dwellings, the off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared Parking credits in subsection 18.4.3.060.E, below. The approval authority shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony, and may require a parking analysis prepared by a qualified professional. See 18.4.3.030.A.3 for parking analysis requirements.

Commented [MH28]: To clarify that the Planning Commission may consider testimony and adjust a proposed parking reduction accordingly. This issue was raised at the Planning Commission review of the planning application at 165 Water St.

SECTION 11. Section 18.4.3.080(D), (E) and (F) [Parking, Access, and Circulation – Vehicle Area Design] of the Ashland Land Use Ordinance is hereby amended as follows:

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060. Accessory residential units are exempt from the requirements of this subsection.
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width. Accessory residential units are exempt from the requirements of this subsection.
3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb

Commented [MH29]: Language added so that ARUs do not trigger driveway width upgrade.

cuts shall be minimized where feasible to address traffic safety or operations concerns.

6. **Vertical Clearances.** Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. **Vision Clearance.** No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
8. **Grades for new driveways** in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

E. Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings **and accessory residential units.**

1. **Paving.** All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. **Drainage.** All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. **Driveway Approaches.** Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. **Marking.** Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. **Wheel stops.** Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. **Walls and Hedges**
 - a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.

Commented [MH30]: ARUs are exempt from the driveway and parking paving requirements in the current code in AMC 18.2.3.040.A.5. Language added to parking chapter for consistency with ARU standards regarding the paving of driveway and parking spaces.

- iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.
- i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.
7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required. **Single-family dwellings and accessory residential units are exempt from the requirements of this subsection.**
8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.

Commented [MH31]: Added to clarify that ARUs do not trigger parking lot landscaping required for multi-family and commercial developments.

SECTION 12. Section 18.4.4.030(F)(2) [Landscaping, Lighting, and Screening – L] of the Ashland Land Use Ordinance is hereby amended as follows:

- F. Parking Lot Landscaping and Screening.** Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements. **Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2, below.**

Commented [MH32]: Added to clarify that ARUs do not trigger parking lot landscaping required for multi-family and commercial developments.

1. Landscaping.

- a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.
- b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.
- c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.
- d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.
- e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

- a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.
- b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.
- c. *Screening at Required Yards.*
 - i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.
 - ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.
 - iii. The screen height may be achieved by a combination of earth mounding and plant materials.
 - iv. Elevated parking lots shall screen both the parking and the retaining walls.

SECTION 13. Section 18.4.4.030(G)(4) [Landscaping, Lighting, and Screening – Landscaping and Screening] of the Ashland Land Use Ordinance is hereby amended as follows:

4. **Mechanical Equipment.** Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in **18.5.2.020.C.34.**
 - a. **Roof-mounted Equipment.** Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection **18.5.2.020.C.34.**
 - b. **Other Mechanical Equipment.** Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

Commented [MH33]: Adjusts numbering reference to match changes and renumbering to subsection that covers mechanical equipment exempt from Site Design Review (18.5.2.020.C).

SECTION 14. Section 18.4.9.040(C) [Disc Antennas – Development Standards] of the Ashland Land Use Ordinance is hereby amended as follows:

- C. No more than one disc antenna shall be permitted on each lot, except three or fewer parabolic disc antennas, each under one meter in diameter, are permitted on any one lot in accordance with **18.5.2.020.C.34.b.**

Commented [MH34]: Adjusts numbering reference to match changes and renumbering to subsection that covers mechanical equipment exempt from Site Design Review (18.5.2.020.C).

SECTION 15. Section 18.5.2.020 (B) and (C) [Site Design Review – Applicability] of the Ashland Land Use Ordinance is hereby amended as follows:

B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units **on a lot in any zoning district**, including the addition of an accessory residential unit, ~~on a lot in any zoning district~~ **unless exempt from Site Design Review per subsection 18.2.3.040.A.**
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter **18.3.9** Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per **subsection 18.5.2.020.C.**
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section **18.4.10.**

Commented [MH35]: Specifies that ARUs require Site Design Review unless in the exempt group.

C. Exempt From Site Design Review. The following types of uses and projects are exempt

Ordinance No. _____

from Site Design Review, ~~but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.~~

1. Detached single-family dwellings and associated accessory structures and uses, ~~except that accessory residential units require Site Design Review pursuant to section 18.2.3.040.~~

2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.

~~32.~~ Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.

~~43.~~ The following mechanical equipment.

- a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
- b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
- c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
- d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C. ~~34.~~ subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

Commented [MH36]: Specifies that new exempt ARUs are not subject to Site Design Review.

SECTION 16. Section 18.6.1.030 [Definitions] of the Ashland Land Use Ordinance is hereby amended as follows:

Accessory Use. A use or activity that is subordinate to a primary use and that is clearly incidental to the primary use on a site. See also, definition of Primary Use.

Commented [MH37]: The definition of accessory use was inadvertently deleted from the code in 2015.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes Ordinance No. _____

and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

- Accessory Residential Unit. A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to a single-family dwelling, **within a portion of an existing single-family dwelling (i.e. conversion of gross floor area within the primary residence)**, or in a detached building located on the same lot, and having an independent means of access (i.e., door).
- Duplex Dwelling. A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling.
- Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- Multifamily Dwelling. A dwelling in a structure or grouping of structures containing two or more dwelling units located on one lot.
- Senior Housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- Single-Family Dwelling. A detached or attached structure containing one dwelling unit located on its own lot.

Commented [MH38]: Clarifies that existing square footage in a home can be used for an ARU.

Parking Area or Lot. Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures.

- **Private Parking Area or Lot. A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.**
- **Public Parking Area or Lot. A parking area available to the public, with or without payment of a fee.**

Commented [MH39]: Definitions added because "Public Parking Lot" is a use listed in the allowed uses table for the base zones.

Primary Use. An activity or combination of activities of chief importance on the site. One of the

main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. See also, definition of Accessory Use.

Commented [MH40]: Added to provide a cross reference to the definition of Accessory Use.

Retail Sales and Services. Retail sales and service uses sell, lease, or rent new or used products, goods, or services. They include services such as a beauty salon, barber, repair service, and similar uses.

Commented [MH41]: Added to provide an example of Retail Services.

SECTION 17. Savings. Notwithstanding this amendment/pepeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 18. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 19. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 6-7) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2018, and duly PASSED and ADOPTED this ____ day of _____, 2018.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2018.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

Ordinance No. ____

Planning Commission Report

DATE: May 8, 2018
TO: Ashland City Council
FROM: Ashland Planning Commission
RE: Planning Commission Recommendation
Ordinance Amendments for Accessory Residential Units (PA-L-2018-00002)

Summary

The Planning Commission recommends approval of the proposed amendments to the land use ordinance for accessory residential units (PA-L-2018-00002). The amendments provide more flexibility to homeowners that want to include a second small dwelling unit within or attached to a single-family home.

Over the past several years, there has been much discussion in the state, region and city regarding insufficiencies in the housing supply because of rising housing prices combined with less housing being built during the recession. Accessory residential units (ARUs) can be an economical way to add rental units to the housing supply and at the same time, provide a compatible type of development in existing and new single-family neighborhoods. The Commission found the most recent shortage of rental housing is a change in conditions that is the basis for amending the ARU ordinance requirements.

In addition, Oregon Senate Bill 1051 was signed into law by Governor Brown in August 2017 and requires cities with populations greater than 2,500 to allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones, subject to reasonable local regulations relating to siting and design. The new state law becomes effective on July 1, 2018. The Commission reviewed and considered the document provided by the state concerning implementation of Senate Bill 1051 - [Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051](#).

The recommended ordinance amendments provide an option for small ARUs, less than 500 square feet in size, to be created within or attached to a single-family home by obtaining a building permit. These small ARUs are exempt from the planning application review process – currently, all ARUs require approval of a planning application for Site Design Review prior to application for a building permit. The small ARUs would be allowed in the R-1, R-1-3.5, RR, NN and NM zones and could be built as part of new construction or added to a primary residence

at a later date. Off-street parking would not be required if on-street parking is available within 200 feet of the property.

An additional change is deleting two requirements for ARUs of any size in the Rural Residential (RR) zone including the prohibition of ARUs on hillside lands (i.e., 25 percent slope and greater) and requiring an improved city street that is at least 20 feet in paved width with curbs, gutters and sidewalks.

Finally, the amendments include a change in the off-street parking requirement for ARUs and exemptions from multi-family site design standards. The proposal is to require one parking space for ARUs up to 800 square feet in size instead of the current requirement of one space required for ARUs up to 500 square feet in size. This off-street parking requirement is the same as the recently adopted cottage housing off-street parking requirement. Additionally, ARUs are exempted from the landscaping and open space that are required as part of the Site Design Review process for multi-family residential development.

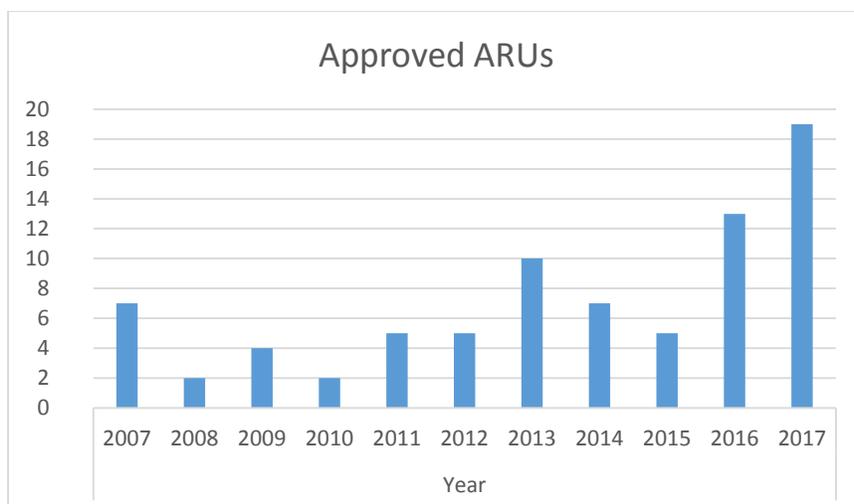
The Commission held a public hearing and deliberations on the proposed amendments on [April 24, 2018](#). Prior to the public hearing, the Commission held four study sessions on [August 22, 2017](#), [October 24, 2017](#), [November 28, 2017](#) and [February 27, 2018](#). The Commission had substantial discussion at the study sessions about a variety of issues, including off-street parking requirements for the small ARUs. Links are provided above to the Planning Commission meeting minutes.

Recommendation

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. As discussed earlier, the Planning Commission finds the proposed amendments to the land use ordinance for accessory residential units are necessary to respond to the statewide issue of insufficient housing supply resulting from rising housing prices and reduced building during the recession. In addition, the City of Ashland is required to comply with Senate Bill 1051 which requires cities with populations greater than 2,500 to allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones, subject to reasonable local regulations relating to siting and design.

While not all communities in Oregon allow ARUs, Ashland is in the 27th year of allowing ARUs in single-family zones. Since Ashland began allowing ARUs in 1991, 191 units have been approved at an average of seven ARUs approved a year. According to staff's research, 79 ARUs have been approved in the last ten years (2007 – 2017) and 41 of those units, or 52 percent, were less than 500 square feet in size. The chart below shows the number of ARUs approved by year for the last ten years (2007-2017).





The recommended ordinance amendments respond to several city and state goals, policies and strategies. The 2015 City Council Strategic Plan includes a strategy to “Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing.” (5.2.a) The Ashland Comprehensive Plan includes a housing goal to “Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city.” (6.10) The 2012 Housing Analysis identified a deficit in rental housing for extremely-low and low-income households and recommended encouraging the development of more studio and one-bedroom rental units.

In addition to Senate Bill 1051, Statewide Planning Goal 10 Housing requires cities to provide for the housing needs of citizens of the state. Buildable lands for residential use are required to be inventoried and plans must encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. Statewide Planning Goal 10 also requires cities to allow for flexibility of housing location, type and density.

At the local level, demographic data shows that Ashland differs from the state in terms of household size and single-occupant households. The average household size for Oregon was approximately 2.47 people per household in the 2010 Census. In comparison, Ashland had an average household size of 2.03 persons per household in 2010. Portland State University is charged with developing population projections for cities and counties in Oregon and in a recent presentation, noted the average household size for Ashland as 2.00 person per household. In addition, there are a large number of single person households within Ashland – 38 percent according to the 2016 American Community Survey and 18.2 percent of these single occupant households are individuals 65 years and over. In comparison, the 27.8 percent of Oregon’s households are single occupant households and 11.1 percent of single occupant households are individuals 65 years old and over (American Community Survey 2016).



The Commission ultimately decided that the housing supply inadequacies are a pressing issue and the proposed revisions will remove barriers to and thereby provide an incentive for the development of small ARUs. In turn, this will help address the housing supply issues identified in the City's goals and strategies, Statewide Planning Goal 10 Housing and the recent mandate in Senate Bill 1051. The revisions are also intended to address the 2012 housing needs analysis findings and recommendations focused on encouraging studio and one-bedroom rental units. Units less than 500 square feet in size are typically designed as studio or one-bedroom units.

The Commission had lengthy discussions regarding the compatibility of exterior building changes with single-family neighborhoods and the potential impacts of parking for small ARUs. The Commission felt it is important to retain the application of the Historic District Design Standards that are part of the planning application process for properties located in the historic districts. For this reason, ARUs located in the historic districts and involving exterior changes are not included in those ARUs that are exempt from the planning application process.

The Commission discussed a photo survey of on-street parking utilization on streets in subdivisions in the more dense single-family neighborhoods in Ashland, the expense and physical limitations of adding parking, impact on the neighborhood and street environment of requiring additional parking in the front yard, and the State's identification of "requiring off-street parking is one of the biggest barriers to developing ADUs ([Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051](#)).

The Commission discussed the likelihood that ARUs will continue to develop at a steady but reasonable rate and continue to be dispersed throughout Ashland's single-family zones. The planning application process and associated soft and hard costs are removed for small ARUs with the proposed ordinance amendments. However, property owners considering adding a small ARU would continue to incur the expenses of design, building permits and construction. At an average annual rate of seven ARUs approved a year since 1991, ARUs represent a modest portion of Ashland's housing supply at 1.8 percent of Ashland's housing units. Additionally, ARUs are located on two percent of Ashland's 9,382 lots.

After careful thought and consideration, the Commission voted to recommend allowing small ARUs without requiring additional off-street parking as written in the proposed ordinance. The Commission felt there is available on-street parking in the denser single-family neighborhoods and that some property owners would opt to install additional parking if it is feasible to increase the desirability of the units. The Commission felt that allowing and requiring the majority of the front yard to be used for parking would be incompatible with most single-family neighborhoods and detract from the attractive walking environment that so many of Ashland's streets provide. In addition, the Commission discussed that the installation of an additional parking space can be



a barrier to encouraging ARUs because of physical constraints (e.g., trees, steep slopes, limited yard areas) and expense.

If the amendments are adopted, the Commission suggests that a review is performed of the small ARUs within two years of adoption. This would provide an opportunity to evaluate the number of units installed as well as any issues that may necessitate adjustments to the ordinance requirements. The Commission discussed monitoring the compatibility of building changes and additions with the surrounding neighborhood and any parking impacts. The Commission also discussed using information from the initial period for potentially considering exempting small ARUs located in detached structures in the future.

The Commission believes that the current requirement for a planning application for a Physical Constraints Review Permit for hillside lands (i.e., slopes 25 percent and greater) adequately addresses slope stability and design. Therefore, the Commission recommends eliminating the prohibition of ARUs on hillside lands in the RR zones. The Commission discussed the requirement that ARUs in the RR zone are located on an improved city street developed to a minimum of 20 feet in paved width, with curbs, gutters and sidewalks. There are 350 lots that are zoned RR which represents 3.7 percent of all lots in Ashland. There are 40 streets located in the RR zone. A review of those streets indicates that more than half do not meet the width requirement. The Commission finds that the current ARU requirements in the RR zone may be largely unobtainable and given the small number of lots, recommends deleting the street requirement. Finally, the Commission felt it is reasonable to require ARUs up to 800 square feet one parking spaces for consistency with the cottage housing parking requirement because the type and size of units is very similar.

Staff suggested making housekeeping and minor edit changes to the ordinance for consistency throughout the code, to correct inconsistencies with the previous code, to eliminate confusing or duplicative wording and to address items from Planning Commission public hearings. The Commission reviewed, discussed and supports the edits.



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 18.2.2, 18.2.3, 18.3.4, 18.3.5, 18.3.9, 18.4.2, 18.4.3, 18.4.4, 18.4.9, 18.5.2 AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE RELATING TO ACCESSORY RESIDENTIAL UNITS AND MISCELLANEOUS EDITS FOR CLARITY AND CONSISTENCY

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Statewide Planning Goal 10 requires cities to inventory and plan for buildable lands for residential use to provide for adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density; and

WHEREAS, the Legislature passed Senate Bill 1051 in 2017 which included a requirement that cities with populations greater than 2,500 and counties with populations greater than 15,000 allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones subject to reasonable local regulations relating to siting and design; and

WHEREAS, the City Council identified the need to provide incentives to create affordable and workforce housing in the 2015-2017 Council Goals and Objectives; and

WHEREAS, the Ashland Comprehensive Plan includes a goal to “Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city; and

WHEREAS, the 2012 Ashland Housing Analysis identified a deficit in rental housing for extremely-low income (less than 30 percent of area median income) and low-income households (between 30 and 50 percent of area median income) and recommended more rental studio and one-bedroom units; and

WHEREAS, Ashland began allowing accessory residential units (ARUs) in 1991 with 191 ARUs approved since that time, and has found that the introduction of second units in single-family zones provides rental units and at the same time preserves neighborhood character; and

WHEREAS, the 2016 American Community Survey shows that 39.4 percent of Ashland households are single-person compared to 27.8 percent of Oregon Households, and 44.8 percent of single-person households in Ashland are renter-occupied compared to 36 percent of single-person households in Oregon are renter-occupied; and

WHEREAS, the City Council determined it is necessary to amend the ARU requirements to

respond to changes in the housing supply, in part affected by the lack of construction of housing units during the recession, to encourage the development of small units less than 500 square feet in size to help address Ashland's small household and rental needs; and

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, under Oregon law, local governments may regulate the operation and location of certain types of uses within their jurisdiction limits except when such action has been specifically preempted by state statute; and

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on April 24, 2018; and

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code and Land Use Ordinances on June 19, 2018; and

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in the manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Section 18.2.2.030 [Base Zones and Allowed Uses – Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.2.030 Allowed Uses

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. ~~Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.~~
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3. ~~For regulations applying to the City's overlays zones, please refer to part 18.3.~~
- F. Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.
- G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:
1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be

accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.

3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.

- I. **Disclaimer.** Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone. Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	<u>P or S</u>	<u>P or S</u>	S	S	<u>P or S</u>	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses² <i>(continued)</i>										
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
D. Public and Institutional Uses <i>(continued)</i> ³										
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	NP	NP	

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	
D. Public and Institutional Uses <i>(continued)</i> ⁴										
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	<u>Includes public service building, yard, and structures such as public works yards</u> Yards not allowed in the <u>RR, WR, and C-1</u> zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.										In C-1 zone, fuel sales and service limited to is a permitted use provided within the Freeway Overlay , see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones ; fuel sales and service requires CU permit
E. Commercial Uses (continued) ⁵										
Automotive Sales and Rental, except within the Historic Interest Area ; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except nNot allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										Commission may approve a permanent facility through the Type II procedure
E. Commercial Uses (continued)⁶										
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales and Rental of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	NCU	CU	P	
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses <i>(continued)</i> ⁷										
<u>Restaurants</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's ² Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
F. Industrial and Employment Uses <i>(continued)</i> ⁸										
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted

⁸ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
F. Industrial and Employment Uses <i>(continued)</i> ⁹										
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM_within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

⁹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

SECTION 2. Section 18.2.3.040 [Special Use Standards – Accessory Residential Unit] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.2.3.040 Accessory Residential Unit

~~Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.~~ Accessory residential units are subject to Site Design Review under chapter 18.5.2, except as exempted in subsection 18.2.3.040.A, below.

- A. Exemptions.** Accessory residential units are permitted outright with an approved building permit, and are allowed without a Site Design Review under chapter 18.5.2 provided that the accessory residential unit meets all of the following requirements.
1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM zones. Accessory residential units in the R-2 and R-3 zones require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
 2. The accessory residential unit meets all of the requirements of the applicable zone in subsections 18.2.3.040.B, C, E and F, below, except as otherwise exempted in subsection 18.2.3.040.A.
 3. The size of the accessory residential unit is less than 500 square feet of gross habitable floor area (GHFA).
 4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in the Historic District overlay and including exterior building changes and accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
 5. The property must have two off-street parking spaces, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.
 6. Additional off-street parking is not required for the accessory residential unit if on-street parking is permitted within 200 feet of the property. Alternatively, one off-street parking space may be provided on the property in conformance with the off-street parking provisions for accessory residential units in section 18.4.3.080.

AB.R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, ~~except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.~~
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not

exceed 50 percent of the GHFA of the primary residence on the lot and shall not exceed 1,000 square feet GHFA.

4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the **requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.**

BC.RR Zone. In addition to the standards in subsection ~~18.2.3.040.A~~**18.2.3.040.B,** accessory residential units in the RR zone shall meet the following requirements.

1. ~~If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.~~
2. ~~The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.~~
31. No on-street parking credits shall be allowed for accessory residential units.
42. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

CD.R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection ~~18.2.3.040.A~~**18.2.3.040.B,** except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

E. NN Zones. Accessory residential units in the Normal Neighborhood District under chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.B.

F. NM Zones. Accessory residential units in the North Mountain Neighborhood NM zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.B, except that the maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 750 square feet GHFA and that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.

SECTION 3. Section 18.2.3.160(B) [Special Use Standards – Keeping of Livestock and Bees] of the Ashland Land Use Ordinance is hereby amended as follows:

B. Structures. Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns, and other structures, shall be in compliance with ~~18.2.4.020~~**subsection 18.2.5.040.D,** this ordinance and with all applicable building codes.

SECTION 4. Section 18.3.4.040(C) [Normal Neighborhood District – General Use Regulations] of the Ashland Land Use Ordinance is hereby amended as follows:

C. General Use Regulations. Allowed Uses. ~~Uses and their accessory uses are permitted, special permitted or conditional uses in the Normal Neighborhood Plan area as listed in the Land Use Table.~~

1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

a. Permitted Uses. Uses listed as “Permitted (P)” are allowed.

b. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.

c. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.

d. Prohibited Uses. Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.

3. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰				

¹⁰ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
	Normal Neighborhood District Zones¹¹			
	<u>NN-1-5</u>	<u>NN-1-3.5</u>	<u>NN-1-3.5-C</u>	<u>NN-2</u>
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, <u>see Sec. 18.2.3.040</u>	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

1. Permitted Uses. Uses listed as “Permitted (P)” are allowed. All uses are subject to the

¹¹ **Zones: NN-1-5 = Single-Family Residential; NN-1-3.5 = Suburban Residential; N-N-1-3.5-C = Suburban Residential with Commercial; MM-2 = Multi-Family Residential.**

~~development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review Procedure.~~

- ~~2. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.~~
- ~~3. Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.~~

SECTION 5. Section 18.3.4.060(B)(2) [Normal Neighborhood District – Site and Building Design Standards] of the Ashland Land Use Ordinance is hereby amended as follows:

2. Cottage Housing. ~~[Reserved]~~**Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.**

SECTION 6. Section 18.3.5.050 [North Mountain Neighborhood – Allowed Uses] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.5.050 Allowed Uses

A. Uses Allowed in North Mountain Neighborhood Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. ~~Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited.~~ All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- 1. Permitted Uses. Uses listed as “Permitted (P)” are allowed.**
- 2. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to subsection 18.3.5.050.D and chapter 18.2.3 Special Use Standards.**
- 3. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.**
- 4. Prohibited Uses. Uses not listed in Table 18.3.5.050, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.**

CB Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. ~~For regulations applying to the City’s overlays zones, please refer to part 18.3.~~

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone¹²

	North Mountain Neighborhood Zones ¹³				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units, <u>see Sec. 18.2.3.040</u>	<u>P or S</u>	<u>P or S</u>	<u>NP or S</u>	P	N
Cottage Housing	S	S	N	N	N
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

¹² Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

¹³ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. Special Use Standards. The uses listed as “Permitted with Special Use Standards (S)” in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units. **Subject to the standards in section 18.2.3.040.**
 - ~~a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.~~
 - ~~b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.~~
 - ~~c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.~~
 - ~~d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.~~
 - ~~e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.~~
2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.
3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.
4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
5. Community Services.
 - a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
 - b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
6. Manufacturing, Light.
 - a. The light manufacturing use shall occupy 600 square feet or less.
 - b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
10. Religious Institution, Houses of Worship. The same use cannot be located on a

contiguous property, and there must be no more than two such uses in a given zone.

- 11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area.

SECTION 7. Section 18.3.9.050(A) [Performance Standards Option and PSO Overlay – Performance Standards for Residential Developments] of the Ashland Land Use Ordinance is hereby amended as follows:

- A. **Base Densities.** The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density. **Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.**

SECTION 8. Section 18.4.2.030(B) [Building Placement, Orientation, and Design – Residential Development] of the Ashland Land Use Ordinance is hereby amended as follows:

- B. Applicability. Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.
 - 1. **Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.**

SECTION 9. Section 18.4.3.040 [Parking, Access, and Circulation – Parking Ratios] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Single-Family Dwellings	2 spaces for the primary detached dwelling units and the following for accessory residential units <u>attached dwelling units</u> . <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. – 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger – 1.50 spaces/unit. c. 2-bedroom units – 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
<u>Accessory Residential Units</u>	<p><u>a. Units less than 800 sq. ft.– 1 space/unit, except. as exempted in subsection 18.2.3.040.A.</u></p> <p><u>b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. – 2.00 spaces/unit.</u></p>
<u>Multi-family Dwellings</u>	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.
Cottage Housing	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 square feet<u>sq. ft.</u> and less than 1000 square feet<u>sq. ft.</u> -- 1.5 spaces/unit. c. Units greater than 1000 square feet<u>sq. ft.</u> -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections <u>18.2.3.170</u> and <u>18.2.3.180</u> .
Performance Standards Developments	See chapter <u>18.3.9</u> .
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square feet <u>sq. ft.</u> of the first 10,000 square feet <u>sq. ft.</u> of gross land area; plus 1 space per 5,000 square feet <u>sq. ft.</u> for the excess over 10,000 square feet <u>sq. ft.</u> of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants,

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	entertainment uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area.
	Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area.
	Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses.
	Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater
	High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater
	Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 10. Section 18.4.3.060 [Parking, Access, and Circulation – Parking Management Strategies] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.3.060 Parking Management Strategies

Except for single-family dwellings, the off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared Parking credits in subsection 18.4.3.060.E, below. The approval authority **shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony, and** may require a parking analysis prepared by a qualified professional. See 18.4.3.030.A.3 for parking analysis requirements.

SECTION 11. Section 18.4.3.080(D), (E) and (F) [Parking, Access, and Circulation – Vehicle Area Design] of the Ashland Land Use Ordinance is hereby amended as follows:

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060. **Accessory residential units are exempt from the requirements of this subsection.**
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width. **Accessory residential units are exempt from the requirements of this subsection.**
3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb

cuts shall be minimized where feasible to address traffic safety or operations concerns.

6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

E. Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings **and accessory residential units.**

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges
 - a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.

- iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.
- i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.
7. Landscaping. In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required. **Single-family dwellings and accessory residential units are exempt from the requirements of this subsection.**
8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.

SECTION 12. Section 18.4.4.030(F)(2) [Landscaping, Lighting, and Screening – L] of the Ashland Land Use Ordinance is hereby amended as follows:

- F. Parking Lot Landscaping and Screening.** Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements. **Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2, below.**

1. Landscaping.

- a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.
- b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.
- c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.
- d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.
- e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

- a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.
- b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.
- c. *Screening at Required Yards.*
 - i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.
 - ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.
 - iii. The screen height may be achieved by a combination of earth mounding and plant materials.
 - iv. Elevated parking lots shall screen both the parking and the retaining walls.

SECTION 13. Section 18.4.4.030(G)(4) [Landscaping, Lighting, and Screening – Landscaping and Screening] of the Ashland Land Use Ordinance is hereby amended as follows:

4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially zoned property. Mechanical equipment meeting the requirements of this section satisfy the screening requirements in 18.5.2.020.C.~~34~~.
 - a. *Roof-mounted Equipment*. Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C.~~34~~.
 - b. *Other Mechanical Equipment*. Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

SECTION 14. Section 18.4.9.040(C) [Disc Antennas – Development Standards] of the Ashland Land Use Ordinance is hereby amended as follows:

- C. No more than one disc antenna shall be permitted on each lot, except three or fewer parabolic disc antennas, each under one meter in diameter, are permitted on any one lot in accordance with 18.5.2.020.C.~~34~~.b.

SECTION 15. Section 18.5.2.020 (B) and (C) [Site Design Review – Applicability] of the Ashland Land Use Ordinance is hereby amended as follows:

- B. **Residential Uses**. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.
 1. Two or more dwelling units **on a lot in any zoning district**, including the addition of an accessory residential unit, ~~on a lot in any zoning district~~ **unless exempt from Site Design Review per subsection 18.2.3.040.A.**
 2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
 3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
 4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
 5. Any change in use that requires a greater number of parking spaces.
 6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per **subsection** 18.5.2.020.C.
 7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

- C. **Exempt From Site Design Review**. The following types of uses and projects are exempt

from Site Design Review, ~~but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.~~

1. Detached single-family dwellings and associated accessory structures and uses, ~~except that accessory residential units require Site Design Review pursuant to section 18.2.3.040.~~

2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.

- 32.** Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.

43. The following mechanical equipment.

- a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
- b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
- c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
- d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.~~34~~, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

SECTION 16. Section 18.6.1.030 [Definitions] of the Ashland Land Use Ordinance is hereby amended as follows:

Accessory Use. A use or activity that is subordinate to a primary use and that is clearly incidental to the primary use on a site. See also, definition of Primary Use.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes

and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

- Accessory Residential Unit. A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to a single-family dwelling, **within a portion of an existing single-family dwelling (i.e. conversion of gross floor area within the primary residence)**, or in a detached building located on the same lot, and having an independent means of access (i.e., door).
- Duplex Dwelling. A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling.
- Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- Multifamily Dwelling. A dwelling in a structure or grouping of structures containing two or more dwelling units located on one lot.
- Senior Housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- Single-Family Dwelling. A detached or attached structure containing one dwelling unit located on its own lot.

Parking Area or Lot. Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures.

- **Private Parking Area or Lot. A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.**
- **Public Parking Area or Lot. A parking area available to the public, with or without payment of a fee.**

Primary Use. An activity or combination of activities of chief importance on the site. One of the

main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. See also, definition of Accessory Use.

Retail Sales and Services. Retail sales and service uses sell, lease, or rent new or used products, goods, or services. They include services such as a beauty salon, barber, repair service, and similar uses.

SECTION 17. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 18. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 19. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 6-7) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2018, and duly PASSED and ADOPTED this ____ day of _____, 2018.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2018.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

CITY OF ASHLAND

RECORD FOR LEGISLATIVE PLANNING ACTION #PA-L-2018-00002

PLANNING ACTION: PA-L-2018-00002

DESCRIPTION: Accessory Residential Units Ordinance Amendments

<u>DATE</u>	<u>ITEM</u>	<u>PAGE #</u>
6/4/18	Public Hearing Notice	1
5/8/18	Planning Commission Minutes	2-5
5/8/18	Planning Commission Packet	
	Agenda	6
	Staff Memo	7-8
	Draft Ordinance Amendments	9-38
	Planning Commission Report	39-43
4/24/18	Planning Commission Minutes	44-50
4/24/18	Speaker Request Forms/Public Comment	51-56
4/24/18	Planning Commission Packet	
	Agenda	57
	Staff Report	58-62
	Draft Ordinance Amendments	63-90
	ADU Guidance DLCDC	91-97
4/14/18	Public Hearing Notice	98

PUBLIC HEARING NOTICE

On **June 19, 2018**, the Ashland City Council will hold a public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code for accessory residential units (ARU). The revisions to the ARU standards allow units less than 500 square feet in size that are within or attached to the primary residence as an outright permitted use in the Single-Family Residential (R-1), Suburban Residential (R-1-3.5), Rural Residential (RR), Normal Neighborhood district (NN) and North Mountain Neighborhood (NM) zones. The City Council will hold a public hearing on the proposed ordinance amendments on June 19 at 7:00 p.m. at the Ashland Civic Center Council Chambers located at 1175 E. Main St., Ashland, OR.

The proposed ordinance amendments are available for review online at www.ashland.or.us/draftordinances, and at the City of Ashland Department of Community Development located at 51 Winburn Way, Ashland, OR between 8:30 a.m. and 4:30 p.m. Copies of the ordinance and file information are available for purchase if requested. For additional information concerning these ordinance amendments, call the Ashland Planning Division at 541-488-5305.

Oral and written public testimony, regarding this matter will be accepted at the public hearing before the City Council on June 19, 2018. Written statements are encouraged and may be submitted prior to the hearing dates. Mail written comments to Maria Harris, Planning Manager, City of Ashland Department of Community Development, 20 E. Main St., Ashland OR 97520, via FAX at 541-552-2050, or via E-mail at maria.harris@ashland.or.us. Failure to raise an issue in person or in writing prior to the close of the public hearing with sufficient specificity to provide the reviewing bodies opportunity to respond to the issue may preclude your opportunity for appeal on that issue.

By the order of Bill Molnar, Community Development Director

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Publish: Friday June 8, 2018
E-mailed: Monday June 4, 2018
Purchase Order: #112281

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
MINUTES - Draft
May 8, 2018

CALL TO ORDER

Vice Chair Melanie Mindlin called the meeting to order at 7:03 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy Brown, Jr.
Michael Dawkins
Melanie Mindlin
Haywood Norton
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Derek Severson, Senior Planner
Dana Smith, Executive Assistant

Absent Members:

Roger Pearce

Council Liaison:

Dennis Slattery, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar explained at the City Council approved PA-2018-00154 for the annexation at 601 Washington Street at their meeting May 1, 2018. Testimony from a staff person at the Oregon Department of Transportation thought the street cap for the area was necessary. There was no objection from the applicant so Council included the cap in the approval. Council would review PA-2017-02129 for 475 East Nevada Street at their meeting May 15, 2018. The primary change in the request currently was the applicants were no longer working with Habitat for Humanity. They would construct the four affordable housing units themselves. Habitat for Humanity had raised some issues regarding the term of affordability and requested a 30-year term instead of 60 years. Staff was looking at the Commission's Study Session in May to discuss the Transit Triangle Overlay amendments. In June, they were tentatively scheduled for the Wild Fire Ordinance amendments at the Commission's regular meeting. The City Council would have an overview of the amendments at their Study Session May 21, 2018.

AD-HOC COMMITTEE UPDATES - None

CONSENT AGENDA

A. Approval of Minutes

1. April 10, 2018 Regular Meeting
2. April 24, 2018 Special Meeting

Commissioners Brown/Dawkins m/s to approved the minutes of April 10, 2018, Regular Meeting and April 24, 2018, Special Meeting. Voice Vote: all AYES. Motion passed 5-0.

PUBLIC FORUM

Louise Shawkat/Ashland/Described conventional and unconventional natural gas deposits and how unconventional gas deposits affected the climate. In order to reduce the impact of climate change, society had to address methane and carbon dioxide emissions. Approximately 25% of the global warming experienced today was caused by methane emissions. Ashland had a Climate and Energy Action Plan (CEAP) with an implementation committee and a goal to reduce greenhouse gases. She did not understand why the City did not charge citizens the cost to dig up the streets to install gas lines. She wanted the Commission to consider charging for that service. It would make money for the City and discourage people from getting natural gas.

Huelz Gutcheon/Ashland/Wanted 20 mile per hour speed limits in Ashland. All accidents involving cars should be the motorist's fault. He also wanted Your Speed signs everywhere. Many bike and walking injuries were not reported. Emergency responders and Emergency Room attendants should be required to file reports on accidents involving pedestrians and bicyclists with cars. All roofs should be redone to point south. Natural gas heat should be replaced with electric. Electricity was the only way to combat climate change. Bonneville Power Administration (BPA) did not have the capacity to meet future electricity needs. The 10x20 ordinance would not work unless it cost more. The 10x20 needed to be accomplished within the city limits.

UNFINISHED BUSINESS

A. Approval of Findings for PA-2018-00429, 469 Russell Street

The Commission had no ex parte contacts regarding the matter.

Commissioners Thompson/Norton m/s to approve the Findings for PA-2018-00429. Voice Vote: all AYES.

Motion passed 5-0.

PUBLIC HEARINGS

A. SUBJECT PROPERTY: Public Right-of-Way at the end of Terrace Street

OWNER/APPLICANT: City of Ashland Public Works Department

DESCRIPTION: The Planning Commission will consider a request to vacate a portion of the Terrace Street right-of-way between 110 Terrace Street and 9 Hillcrest Street, and make a recommendation to the City Council. **COMPREHENSIVE**

PLAN DESIGNATION: Single-Family Residential and Rural Residential; **ZONING:** R-1-7.5 and RR-.5; **ASSESSOR'S**

MAP/TAX LOT: Between 39 1E 09BC 8000 & 39 1E 09BD 15200.

Senior Planner Derek Severson explained the property was approximately a 2,600 square foot unimproved section of Terrace Street Right-of-Way (ROW) between 9 Hillcrest Street and 110 Terrace Street. It was an unused spur of Terrace Street with two sections of driveway. The section proposed for vacation extended almost to the driveway. The Public Works Department managed the vacation process governed by the Oregon Revised Statutes (ORS). The process involved obtaining signatures from surrounding property owners with a certain number agreeing to the vacation. The vacated ROW was typically dedicated to the adjacent property owners proportionally. For this request, the requisite petition signatures were received. The Public Works Department needed a recommendation from the Planning Commission. Following that, they would notice the newspapers, sign the property and have two City Council hearings to discuss the vacation. Staff was seeking a recommendation from the Planning Commission to the City Council supporting the vacation.

An additional ROW to the north of Terrace Street was vacated in 1947 precluding future street or pedestrian connectivity. The section was not identified in the Transportation System Plan (TSP). The slopes were in excess of what was allowed for a public street under the current standards. The Public Works Department was requesting the City retain a public utility easement in the section. The property owners were related. Instead of splitting the ROW between the two properties, it would go to the property owner at 9 Hillcrest Street. This property will be responsible for the utility easement and any access needed to serve 110 Terrace Street.

Staff recommended the Planning Commission forward their support of the vacation to City Council and retain a public utility easement.

Commissioner Thompson noted the lack of supporting documents and wanted to understand the rationale behind the request. She was also interested in the possible impact on the surrounding properties. Mr. Severson responded the land was owned by the City and at one time was intended to extend through to Glenview Drive. The portion vacated in 1947 was now privately owned. This was a remnant piece of right of way. The ORS stated this was a City Council decision. A local procedure had it come to the Planning Commission prior to ensure the requisite neighboring properties were consulted and agreed to the vacation. The Commission also looked into whether there was a basis to require retaining a trail or pedestrian connectivity even though the vehicular connection was going away. There was a \$250 fee to file the petition. He thought the reason for the vacation was that it was appropriate to have the ROW go to the owners instead of sitting as unused City property.

Vice Chair Mindlin added there was an advantage for the City to be released from the liability and responsibility for the land. Commissioner Dawkins further added there had never been a trail on the right of way and the land was steep. The vacation would provide a clean title for the families involved.

Commissioner Thompson thought asking the Planning Commission to make a recommendation without the supporting documents or explanation put the Commission in an odd position. Community Development Director Bill Molnar explained the Comprehensive Plan had a specific element related to street vacations. Part of the street vacation process involved the Planning Commission when providing a recommendation to the Council. The Commission would also consider the potential for retaining some form of bike and pedestrian connectivity. In this case, the City relinquished part of the ROW 60 years ago and due to steep grades, it was not appropriate to retain. It was the responsibility of Planning staff to look at the Comprehensive Plan policies. Staff was in agreement the connectivity was not appropriate.

Vice Chair Mindlin suggested including the utility and access easement for 110 Terrace Street in the recommendation to Council.

Commissioners Norton/Dawkins m/s to approve the recommendation of vacation to the City Council recommended by staff with the inclusion of the easement for 110 Terrace Street. Voice Vote: ALL AYES. Motion passed 5-0.

DISCUSSION ITEMS

A. Planning Commission Recommendation for Accessory Residential Unit Ordinance Amendments

Planning Manager Maria Harris explained the Planning Commission voted unanimously to recommend approval of the ordinance to City Council. There were two main pieces. The ordinance changes where staff had added comment boxes to any changes made during the April 24, 2018 meeting. The other was the Planning Commission Report that encapsulated the Commission's decision.

Commissioner Thompson had suggested a modification to page 13, under the new **C. RR Zone** that referenced **18.2.3.040.A**. It should be **18.2.3.040.B**. It stated in the RR Zone an applicant needed to meet the requirements in **18.2.3.040.B** for the R-1 Zone as well as the RR Zone. The new section **C. RR Zone** should read **"In addition to the standards in subsection 18.2.3.040.B, accessory residential units in the RR Zone shall meet the following requirements."** The same change would apply to the section below **D. R-2 and R-3 Zones**, the second sentence should read, **"In subsection 18.2.3.040.B..."**

Staff made changes on pages 12, 13 and 20, to make the language consistent. On page 20, **Table 18.4.3.040 – Automobile Parking Spaces by Use, Single-family Dwellings**, replaced **"the primary"** to **"detached"** to read **"2 spaces for detached dwelling units and the following."**

On page 29, the new definition for **Parking Area or Lot**, deleted **"...except that parking spaces serving a single-family home or accessory residential units are not considered a parking area or lot."** The definition now read, **"Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures."** The term parking area was used throughout the code to refer to many single family situations. On page 25, staff exempted the landscaping parking lot standards by adding to **7. Landscaping**, **"In all zones, except single-family zones..."** Page 29, **Section 18.4.4.030(F)(2)**, added language that the screening requirements would not apply to accessory residential units.

Commissioner Thompson had relayed her concern to Ms. Harris regarding **Section 18.4.4.030(F)**. She thought the new language, **"Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2,"** might represent a substantive change with respect to single-family dwellings. It was not clear that single-family dwellings were exempt from these requirements. It was determined not to be a substantive change to say the single-family dwellings were not subject to the parking lot landscaping and screening requirements. Vice Chair Mindlin clarified the parking requirements were not changing, they were not requiring site design review. Commissioner Thompson had a

similar concern whether there was a substantive change at the bottom of page 27 on what was subject to site design review. Specifically, **Section 18.5.2.020.C. Exempt from Site Design Review**, deleting “...but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.” She was concerned they were not somehow substantively modifying these requirements to make the applicable provisions no longer applicable. Staff assured her this was the status quo and did not represent a substantive change. It was part of making the code internally consistent.

Ms. Harris noted other changes were numbering references.

In the Planning Commission Report, there was one change to the first sentence on page 2. The sentence, “**Additionally, the small ARUs are exempted from the landscaping, open space and parking requirements for multi-family housing,**” should move to the third paragraph. It applied to all sized accessory residential units (ARUs), attached or detached.

Commissioner Thompson noted for the record she had some confusion regarding the application of Overlays. She had shared a concern with Ms. Harris regarding ARUs having to meet the requirements of the underlying zone. The language needed to ensure that any applicable Overlay requirements applied. She was concerned it was not specifically stated although it was stated in other areas of the code. This concern stemmed from environmental constraints.

Commissioner Norton confirmed meeting minutes were attached to the information packet going to City Council. Staff did not typically include study session minutes. Commissioner Norton suggested linking the study session minutes to the attachments section on the Council Communication. Commissioner Brown agreed. The study session covered pros and cons discussed by the Commission. Commissioner Dawkins suggested adding a footnote indicating several issues were discussed during the study session. Ms. Harris would add the Planning Commission had a substantive discussion during the study session and link the minutes in the Council Communication. She would make the code revisions and forward it all to Council.

B. Letter of support for the Transportation Growth Management (TGM) grant

Planning Manager Maria Harris explained the Public Works Department was submitting an application to the State's Transportation Growth Management (TGM) program. They were requesting funds for an implementation plan based on the results of the Downtown Parking Plan and Transportation System Plan (TSP). Commission letters of support helped the application.

Planning staff had reviewed the grant. It would consider a variety of issues that came from the Downtown Plan. Community Development Director Bill Molnar explained it would expand on what the Downtown Beautification Committee identified. Commissioner Dawkins added it would also include unfinished work done by the parking plan.

The grant was for \$110,000 with the City providing a match in staff time and a small amount of Public Works funds. It was a competitive process throughout the state. The Commission supported sending the letter.

C. Annual Retreat dates

Vice Chair Mindlin suggested having the retreat June 22, 2018 where she would be the only one unable to attend. The retreat time would be 11:00 a.m. to 4:00 p.m.

ADJOURNMENT

Meeting adjourned at 7:56 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

ASHLAND PLANNING COMMISSION
May 8, 2018
AGENDA

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street

- II. **ANNOUNCEMENTS**

- III. **AD-HOC COMMITTEE UPDATES**

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. April 10, 2018 Regular Meeting
 - 2. April 24, 2018 Special Meeting

- V. **PUBLIC FORUM**

- VI. **UNFINISHED BUSINESS**
 - A. **Approval of Findings for PA-2018-00429, 469 Russell Street**

- VII. **PUBLIC HEARINGS**
 - A. **SUBJECT PROPERTY: Public Right-of-Way at the end of Terrace Street**
OWNER/APPLICANT: City of Ashland Public Works Department
DESCRIPTION: The Planning Commission will consider a request to vacate a portion of the Terrace Street right-of-way between 110 Terrace Street and 9 Hillcrest Street, and make a recommendation to the City Council.
COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential and Rural Residential; **ZONING:** R-1-7.5 and RR-.5; **ASSESSOR'S MAP/TAX LOT:** Between 39 1E 09BC 8000 & 39 1E 09BD 15200.

- VIII. **DISCUSSION ITEMS**
 - A. **Planning Commission Recommendation for Accessory Residential Unit Ordinance Amendments**
 - B. **Letter of support for the Transportation Growth Management (TGM) grant**
 - C. **Annual Retreat dates**

- XI. **ADJOURNMENT**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Memo

DATE: May 8, 2018
TO: Ashland Planning Commission
FROM: Maria Harris, Planning Manager
RE: Ordinance Amendments for Accessory Residential Unit

The Planning Commission unanimously recommended approval of the ordinance amendments for Accessory Residential Units with changes to the draft for clarity and for additions involving exterior changes in the Historic District at the April 24, 2018 meeting.

The Planning Commission makes a recommendation to the City Council on legislative amendments to Title 18 Land Use (AMC 18.5.1.070). The City Council also holds a public hearing on any legislative amendment and then makes the final decision.

Attached are two documents – the Planning Commission Report and the draft ordinance amendments for Accessory Residential Units (ARUs). The purpose of the agenda item is for the Planning Commission to review the report and draft ordinance amendments before the materials are forwarded to the City Council. Since the Planning Commission is a recommending body and doesn't make the final decision, the Planning Commission Report is intended to be a summary of the basis of the Commission's recommendation for the City Council.

All changes that were made since the April 24, 2018 meeting are noted with a comment box on the side. The attached draft incorporates revisions that were discussed at the April 24, 2018 study session. Staff also corrected cross references and several inconsistencies in the draft code language. An explanation is included below.

The revisions in this draft include the following items.

- **Pages 12-13 and page 20** – The edits to AMC 18.2.3.040 and 18.4.2.030.B were suggested by the Commission at the April 24 meeting.
- **Page 20** AMC 18.4.3.040 – The table for parking requirements currently includes the requirements for ARUs with those for single-family dwellings. As a result, “the primary dwelling” was used to distinguish between the main home and the ARU. In this draft, ARUs have been separated out in the table and are no longer combined with the single-family dwelling category. Primary dwelling has been changed to detached dwelling units.

- **Page 25** – AMC 18.4.30.80.E.7 and 18.4.4.030.F.2 have been edited to exclude single-family zones and therefore ARUs from the parking lot landscape requirements. In the previous draft, a definition of parking area was added which excluded parking spaces in single-family zones from being considered a “parking area.” However, staff reviewed Title 18 after the April 24 meeting and found that the term “parking area” is used throughout the code to refer to single-family zone requirements (e.g., lot coverage, porous pavement allowances, parking space dimensional requirements, floodplain and hillside development standards, subdivision requirements) as well as parking lots for multifamily and commercial developments. As a result, the change is instead made to the parking lot landscaping requirements.
- **Page 26-27** AMC 18.4.3.030.G and 18.4.9.040.C – The numerical references to the newly renumbered 18.5.2.020.C are corrected.
- **Page 29** AMC 18.6.1.030 – The new definition of parking area was edited – see explanation above for Page 25.



City of Ashland

Accessory Residential Unit Revisions

Draft Ordinance Amendments – Planning Commission Recommendation

Section 18.2.2.030 is amended to read as follows:

18.2.2.030 Allowed Uses

- A. **Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. **Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.**
- B. **Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. **Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. **Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. **Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. **For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3. For regulations applying to the City's overlays zones, please refer to part 18.3.**
- F. **Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.
- G. **Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. **Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:

1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
 3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.
- I. **Disclaimer.** Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.
-

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone. Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	<u>P or S</u>	<u>P or S</u>	S	S	<u>P or S</u>	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses² <i>(continued)</i>										
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
D. Public and Institutional Uses <i>(continued)</i> ³										
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	NP	NP	

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	
D. Public and Institutional Uses <i>(continued)</i> ⁴										
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	<u>Includes public service building, yard, and structures such as public works yards</u> Yards not allowed in the <u>RR, WR, and C-1</u> zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales	N	N	N	N	N	N	S or CU	S or CU	P	Sec. 18.2.3.050

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.										In C-1 zone, fuel sales and service limited to is a permitted use provided within the Freeway Overlay , see chapter 18.3.8; conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones ; fuel sales and service requires CU permit
E. Commercial Uses (continued)⁵										
Automotive Sales and Rental, except within the Historic Interest Area ; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except nNot allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										Commission may approve a permanent facility through the Type II procedure
E. Commercial Uses (continued)⁶										
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales <u>and Rental</u> of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	NCU	CU	P	
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses (continued)⁷										
Restaurants	N	N	N	N	N	N	P	P	P	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Travelers' Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
F. Industrial and Employment Uses <i>(continued)</i> ⁸										
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted

⁸ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
F. Industrial and Employment Uses <i>(continued)</i> ⁹										
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

⁹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Section 18.2.3.040 is amended to read as follows:

18.2.3.040 Accessory Residential Unit

~~Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements. Accessory residential units are subject to Site Design Review under chapter 18.5.2, except as exempted in subsection 18.2.3.040.A, below.~~

A. Exemptions. Accessory residential units are permitted outright with an approved building permit, and are allowed without a Site Design Review under chapter 18.5.2 provided that the accessory residential unit meets all of the following requirements.

1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM zones. Accessory residential units in the R-2 and R-3 zones require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
2. The accessory residential unit meets all of the requirements of the applicable zone in subsections 18.2.3.040.B, C, E and F, below, except as otherwise exempted in subsection 18.2.3.040.A.
3. The size of the accessory residential unit is less than 500 square feet of gross habitable floor area (GHFA).
4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in the Historic District overlay and including exterior building changes and accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
5. The property must have two off-street parking spaces, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.
6. Additional off-street parking is not required for the accessory residential unit if on-street parking is permitted within 200 feet of the property. Alternatively, one off-street parking space may be provided on the property in conformance with the off-street parking provisions for accessory residential units in section 18.4.3.080.

~~AB R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.~~

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, ~~except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9~~
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot and shall not exceed 1,000

Commented [MH1]: Replaced "except for the off-street parking requirements."

Commented [MH2]: Requires ARUs in the Historic District that involve exterior changes to obtain Site Design Review, therefore they are not exempted by this section.

Commented [MH3]: Deleted "unless exempted in subsection 18.2.3.040.A, above."

square feet GHFA.

4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the **requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.**

BC RR Zone. In addition to the standards in subsection 18.2.3.040.A, accessory residential units in the RR zone shall meet the following requirements.

1. ~~If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.~~
2. ~~The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.~~
31. No on-street parking credits shall be allowed for accessory residential units.
42. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

CD R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

E. NN Zones. Accessory residential units in the Normal Neighborhood District under Chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.B.

F. NM Zones. Accessory residential units in the North Mountain Neighborhood NM zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.B, except that the maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 750 square feet GHFA and that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.

Commented [MH4]: Deleted "unless exempted ins subsection 18.2.3.040.A, above."

Commented [MH5]: Deleted "unless exempted ins subsection 18.2.3.040.A, above."

Commented [MH6]: Deleted "unless exempted ins subsection 18.2.3.040.A, above."

Section 18.2.3.160(B) is amended to read as follows:

B. Structures. Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns, and other structures, shall be in compliance with ~~18.2.4.020~~subsection 18.2.5.040.D this ordinance and with all applicable building codes.

Section 18.3.4.040(C) is amended to read as follows:

C. General Use Regulations. Allowed Uses. Uses and their accessory uses are permitted, special permitted or conditional uses in the Normal Neighborhood Plan area as listed in the Land Use Table.

1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

a. Permitted Uses. Uses listed as “Permitted (P)” are allowed.

b. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.

c. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.

d. Prohibited Uses. Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.

3. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
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Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone¹⁰

¹⁰ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
Normal Neighborhood District Zones¹¹				
	<u>NN-1-5</u>	<u>NN-1-3.5</u>	<u>NN-1-3.5-C</u>	<u>NN-2</u>
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

4. Permitted Uses. Uses listed as “Permitted (P)” are allowed. All uses are subject to the

¹¹ **Zones: NN-1-5 = Single-Family Residential; NN-1-3.5 = Suburban Residential; N-N-1-3.5-C = Suburban Residential with Commercial; MM-2 = Multi-Family Residential.**

development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review Procedure.

- ~~2. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.~~
- ~~3. Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.~~

Section 18.3.4.060(B)(2) is amended to read as follows:

2. Cottage Housing. [Reserved]Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.

Section 18.3.5.050 is amended to read as follows:

18.3.5.050 Allowed Uses

A. **Uses Allowed in North Mountain Neighborhood Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. ~~Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited.~~ All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

1. Permitted Uses. Uses listed as “Permitted (P)” are allowed.
2. Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to subsection 18.3.5.050.D and chapter 18.2.3 Special Use Standards.
3. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
4. Prohibited Uses. Uses not listed in Table 18.3.5.050, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.

~~CB. Uses Regulated by Overlay Zones.~~ Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. ~~For regulations applying to the City’s overlays zones, please refer to part 18.3.~~

C. **Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and

building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ¹²					
	North Mountain Neighborhood Zones ¹³				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units, see Sec. 18.2.3.040	P or S	P or S	N	P	N
Cottage Housing	S	S	N	N	N
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

¹² Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

¹³ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. **Special Use Standards.** The uses listed as "Permitted with Special Use Standards (S)" in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units. **Subject to the standards in section 18.2.3.040.**

~~a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.~~

~~b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.~~

~~c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.~~

~~d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.~~

~~e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.~~

2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.

3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.

4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.

5. Community Services.

a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.

b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.

6. Manufacturing, Light.

a. The light manufacturing use shall occupy 600 square feet or less.

b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.

7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.

8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.

9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.

10. Religious Institution, Houses of Worship. The same use cannot be located on a

contiguous property, and there must be no more than two such uses in a given zone.

- 11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area.

Section 18.3.9.050(A) is amended to read as follows:

- A. **Base Densities.** The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density.

Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.

Section 18.4.2.030(B) is amended to read as follows:

- B. **Applicability.** Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply. See the Special Use Standards for accessory residential units in section 18.2.3.040.

Commented [MH7]: Added reference to ARU special use standards.

Section 18.4.3.040 is amended to read as follows:

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single-Family Dwellings	2 spaces for the primary detached dwelling units and the following

Commented [MH8]: Primary dwelling unit language was hold over from when parking requirements for ARUs w included with single-family dwellings.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	for accessory residential units <u>attached dwelling units</u> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
<u>Accessory Residential Units</u>	<u>a. Units less than 800 sq. ft. -- 1 space/unit, except. as exempted in subsection 18.2.3.040.A.</u> <u>b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. -- 2.00 spaces/unit.</u>
<u>Multi-family Dwellings</u>	a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.
Cottage Housing	a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 square feet <u>sq. ft.</u> and less than 1000 square feet <u>sq. ft.</u> -- 1.5 spaces/unit. c. Units greater than 1000 square feet <u>sq. ft.</u> -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter <u>18.3.9.</u>
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square feet <u>sq. ft.</u> of the first 10,000 square feet <u>sq. ft.</u> of gross land area; plus 1 space per 5,000 square feet <u>sq. ft.</u> for the excess over 10,000 square feet <u>sq. ft.</u> of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Offices	General Office: 1 space per 500 sq. ft. floor area. Medical/Dental Office: 1 space per 350 sq. ft. floor area.
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area. Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses. Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

Section 18.4.3.060 is amended to read as follows:

18.4.3.060 Parking Management Strategies

Except for single-family dwellings, the off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared Parking credits in subsection 18.4.3.060.E, below. The approval authority **shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony, and** may require a parking analysis prepared by a qualified professional. See 18.4.3.030.A.3 for parking analysis requirements.

Section 18.4.3.080(D), (E) and (F) are amended to read as follows:

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060. **Accessory residential units are exempt from the requirements of this subsection.**
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width. **Accessory residential units are exempt from the requirements of this subsection.**
3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.

6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

E. Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings **and accessory residential units**.

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges
 - a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.

- iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.
- b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.
 - i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.
- 7. Landscaping. In all zones, **except single-family zones,** all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required.
- 8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.

Commented [MH9]: For consistency with next section 18.4.3.080.F

Section 18.4.4.030(F)(2) is amended to read as follows:

- F. **Parking Lot Landscaping and Screening.** Parking lot landscaping, including areas of vehicle maneuvering, parking, and loading, shall meet the following requirements. **Single-family dwellings and accessory residential units are exempt from the requirements of subsection 18.4.4.030.F.2.**

- 1. Landscaping.

- a. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.

Commented [MH10]: Exempts single-family homes and ARUs from parking lot landscaping requirements typically associated with parking areas for larger multi-family developments, commercial and mixed-use buildings (e.g., landscape islands, shade trees, buffers between parking, residences and property lines). This change is suggested to distinguish between a few parking spaces in single-family zones for a home and an ARU and parking areas or lots for multi-family developments, commercial and mixed-use buildings.

- b. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list approved by the Ashland Tree Commission to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians. See the Ashland Recommended Street Tree Guide.
- c. The tree shall be planted in a landscaped area such that the tree bole is at least two feet from any curb or paved area.
- d. The landscaped area shall be distributed throughout the parking area and parking perimeter at the required ratio.
- e. That portion of a required landscaped yard, buffer strip, or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage, and placement distribution criteria are also met. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.

2. Screening.

- a. *Screening Abutting Property Lines.* A five foot landscaped strip shall screen parking abutting a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement.
- b. *Screening Adjacent to Residential Building.* Where a parking area is adjacent to a residential building it shall be setback at least eight feet from the building, and shall provide a continuous hedge screen.
- c. *Screening at Required Yards.*
 - i. Parking abutting a required landscaped front yard or exterior yard shall incorporate a sight obstructing hedge screen into the required landscaped yard.
 - ii. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except within vision clearance areas, section 18.2.4.050.
 - iii. The screen height may be achieved by a combination of earth mounding and plant materials.
 - iv. Elevated parking lots shall screen both the parking and the retaining walls.

Section 18.4.3.030(G) is amended to read as follows:

- 4. Mechanical Equipment. Mechanical equipment shall be screened by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially zoned property. Mechanical equipment meeting

the requirements of this section satisfy the screening requirements in 18.5.2.020.C ~~34~~.

- a. *Roof-mounted Equipment.* Screening for roof-mounted equipment shall be constructed of materials used in the building's exterior construction and include features such as a parapet, wall, or other sight-blocking features. Roof-mounted solar collection devices are exempt from this requirement pursuant to subsection 18.5.2.020.C ~~34~~.
- b. *Other Mechanical Equipment.* Screening for other mechanical equipment (e.g., installed at ground level) include features such as a solid wood fence, masonry wall, or hedge screen.

Commented [MH11]: Corrects numerical reference because of renumbering in subsection 18.5.2.020.C Exempt from Site Review (see below).

Commented [MH12]: Corrects numerical reference because of renumbering in subsection 18.5.2.020.C Exempt from Site Review (see below).

Section 18.4.9.040(C) is amended to read as follows:

- C. No more than one disc antenna shall be permitted on each lot, except three or fewer parabolic disc antennas, each under one meter in diameter, are permitted on any one lot in accordance with 18.5.2.020.C ~~34 b~~.

Commented [MH13]: Corrects numerical reference because of renumbering in subsection 18.5.2.020.C Exempt from Site Review (see below).

Section 18.5.2.020(B) and (C) are amended to read as follows:

- B. **Residential Uses.** Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.
 1. Two or more dwelling units **on a lot in any zoning district**, including the addition of an accessory residential unit, **on a lot in any zoning district unless exempt from Site Design Review per subsection 18.2.3.040.A.**
 2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
 3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
 4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
 5. Any change in use that requires a greater number of parking spaces.
 6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per **sub**section 18.5.2.020.C.
 7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.
- C. **Exempt From Site Design Review.** The following types of uses and projects are exempt from Site Design Review, **but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.**
 1. Detached single-family dwellings and associated accessory structures and uses, **except that accessory residential units require Site Design Review pursuant to**

section 18.2.3.040.

2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.

32. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.

43. The following mechanical equipment.

- a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
- b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
- c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
- d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C **34.** subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

Section 18.6.1.030 is amended to read as follows:

Accessory Use. A use or activity that is subordinate to a primary use and that is clearly incidental to the primary use on a site. See also, definition of Primary Use.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to

the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

- Accessory Residential Unit. A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to a single-family dwelling, **within a portion of an existing single-family dwelling (i.e. conversion of gross floor area within the primary residence)**, or in a detached building located on the same lot, and having an independent means of access (i.e., door).
- Duplex Dwelling. A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling.
- Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- Multifamily Dwelling. A dwelling in a structure or grouping of structures containing two or more dwelling units located on one lot.
- Senior Housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- Single-Family Dwelling. A detached or attached structure containing one dwelling unit located on its own lot.

Parking Area or Lot. Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures.

- **Private Parking Area or Lot. A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.**
- **Public Parking Area or Lot. A parking area available to the public, with or without payment of a fee.**

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. **See also, definition of Accessory Use.**

Commented [MH14]: Deleted end of new definition, “,except that parking spaces serving a single-family home or accessory residential units are not considered a parking area or lot.” The language would have conflicted with several places in the existing code that use “parking area” in reference single-family home requirements (i.e., lot coverage requirements, porous pavement allowances, parking space dimensional requirements, floodplain and hillside development standards, subdivision requirements).

Retail Sales and Services. Retail sales and service uses sell, lease, or rent new or used products, goods, or services. **They include services such as a beauty salon, barber, repair service, and similar uses.**

Planning Commission Report

DATE: May 8, 2018
TO: Ashland City Council
FROM: Ashland Planning Commission
RE: Planning Commission Recommendation
Ordinance Amendments for Accessory Residential Units (PA-L-2018-00002)

Summary

The Planning Commission recommends approval of the proposed amendments to the land use ordinance for accessory residential units (PA-L-2018-00002). The amendments provide more flexibility to homeowners that want to include a second small dwelling unit within or attached to a single-family home.

Over the past several years, there has been much discussion in the state, region and city regarding insufficiencies in the housing supply because of rising housing prices combined with less housing being built during the recession. Accessory residential units (ARUs) can be an economical way to add rental units to the housing supply and at the same time, provide a compatible type of development in existing and new single-family neighborhoods. The Commission found the most recent shortage of rental housing is a change in conditions that is the basis for amending the ARU ordinance requirements.

In addition, Oregon Senate Bill 1051 was signed into law by Governor Brown in August 2017 and requires cities with populations greater than 2,500 to allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones, subject to reasonable local regulations relating to siting and design. The new state law becomes effective on July 1, 2018. The Commission reviewed and considered the document provided by the state concerning implementation of Senate Bill 1051 - [Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051](#).

The recommended ordinance amendments provide an option for small ARUs, less than 500 square feet in size, to be created within or attached to a single-family home by obtaining a building permit. These small ARUs are exempt from the planning application review process – currently, all ARUs require approval of a planning application for Site Design Review prior to application for a building permit. The small ARUs would be allowed in the R-1, R-1-3.5, RR, NN and NM zones and could be built as part of new construction or added to a primary residence

at a later date. Additionally, the small ARUs are exempted from the landscaping, open space and parking requirements for multi-family housing. Off-street parking would not be required if on-street parking is available within 200 feet of the property.

An additional change is deleting two requirements for ARUs of any size in the Rural Residential (RR) zone including the prohibition of ARUs on hillside lands (i.e., 25 percent slope and greater) and requiring an improved city street that is at least 20 feet in paved width with curbs, gutters and sidewalks.

Finally, the amendments include a change in the off-street parking requirement for ARUs. The proposal is to require one parking space for ARUs up to 800 square feet in size instead of the current requirement of one space required for ARUs up to 500 square feet in size. This off-street parking requirement is the same as the recently adopted cottage housing off-street parking requirement.

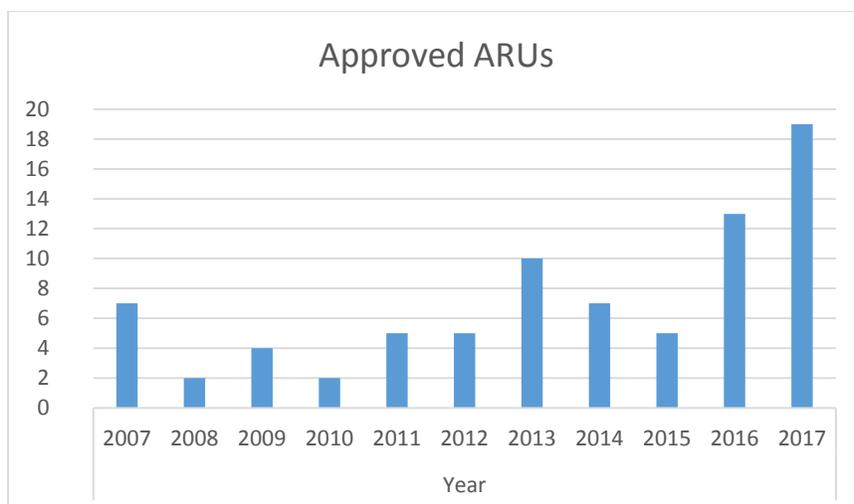
The Commission held a public hearing and deliberations on the proposed amendments on April 24, 2018. Prior to the public hearing, the Commission held study sessions on August 22, 2017, October 24, 2017, November 28, 2017 and February 27, 2018.

Recommendation

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. As discussed earlier, the Planning Commission finds the proposed amendments to the land use ordinance for accessory residential units are necessary to respond to the statewide issue of insufficient housing supply resulting from rising housing prices and reduced building during the recession. In addition, the City of Ashland is required to comply with Senate Bill 1051 which requires cities with populations greater than 2,500 to allow at least one accessory dwelling unit for each detached single-family dwelling in single-family zones, subject to reasonable local regulations relating to siting and design.

While not all communities in Oregon allow ARUs, Ashland is in the 27th year of allowing ARUs in single-family zones. Since Ashland began allowing ARUs in 1991, 191 units have been approved at an average of seven ARUs approved a year. According to staff's research, 79 ARUs have been approved in the last ten years (2007 – 2017) and 41 of those units, or 52 percent, were less than 500 square feet in size. The chart below shows the number of ARUs approved by year for the last ten years (2007-2017).





The recommended ordinance amendments respond to several city and state goals, policies and strategies. The 2015 City Council Strategic Plan includes a strategy to “Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing.” (5.2.a) The Ashland Comprehensive Plan includes a housing goal to “Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland’s population, consistent with preserving the character and appearance of the city.” (6.10) The 2012 Housing Analysis identified a deficit in rental housing for extremely-low and low-income households and recommended encouraging the development of more studio and one-bedroom rental units.

In addition to Senate Bill 1051, Statewide Planning Goal 10 Housing requires cities to provide for the housing needs of citizens of the state. Buildable lands for residential use are required to be inventoried and plans must encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households. Statewide Planning Goal 10 also requires cities to allow for flexibility of housing location, type and density.

At the local level, demographic data shows that Ashland differs from the state in terms of household size and single-occupant households. The average household size for Oregon was approximately 2.47 people per household in the 2010 Census. In comparison, Ashland had an average household size of 2.03 persons per household in 2010. Portland State University is charged with developing population projections for cities and counties in Oregon and in a recent presentation, noted the average household size for Ashland as 2.00 person per household. In addition, there are a large number of single person households within Ashland – 38 percent according to the 2016 American Community Survey and 18.2 percent of these single occupant households are individuals 65 years and over. In comparison, the 27.8 percent of Oregon’s households are single occupant households and 11.1 percent of single occupant households are individuals 65 years old and over (American Community Survey 2016).



The Commission ultimately decided that the housing supply inadequacies are a pressing issue and the proposed revisions will remove barriers to and thereby provide an incentive for the development of small ARUs. In turn, this will help address the housing supply issues identified in the City's goals and strategies, Statewide Planning Goal 10 Housing and the recent mandate in Senate Bill 1051. The revisions are also intended to address the 2012 housing needs analysis findings and recommendations focused on encouraging studio and one-bedroom rental units. Units less than 500 square feet in size are typically designed as studio or one-bedroom units.

The Commission had lengthy discussions regarding the compatibility of exterior building changes with single-family neighborhoods and the potential impacts of parking for small ARUs. The Commission felt it is important to retain the application of the Historic District Design Standards that are part of the planning application process for properties located in the historic districts. For this reason, ARUs located in the historic districts and involving exterior changes are not included in those ARUs that are exempt from the planning application process.

The Commission discussed a photo survey of on-street parking utilization on streets in subdivisions in the more dense single-family neighborhoods in Ashland, the expense and physical limitations of adding parking, impact on the neighborhood and street environment of requiring additional parking in the front yard, and the State's identification of "requiring off-street parking is one of the biggest barriers to developing ADUs ([Guidance on Implementing the Accessory Dwelling Units \(ADU\) Requirement under Oregon Senate Bill 1051](#)).

The Commission discussed the likelihood that ARUs will continue to develop at a steady but reasonable rate and continue to be dispersed throughout Ashland's single-family zones. The planning application process and associated soft and hard costs are removed for small ARUs with the proposed ordinance amendments. However, property owners considering adding a small ARU would continue to incur the expenses of design, building permits and construction. At an average annual rate of seven ARUs approved a year since 1991, ARUs represent a modest portion of Ashland's housing supply at 1.8 percent of Ashland's housing units. Additionally, ARUs are located on two percent of Ashland's 9,382 lots.

After careful thought and consideration, the Commission voted to recommend allowing small ARUs without requiring additional off-street parking as written in the proposed ordinance. The Commission felt there is available on-street parking in the denser single-family neighborhoods and that some property owners would opt to install additional parking if it is feasible to increase the desirability of the units. The Commission felt that allowing and requiring the majority of the front yard to be used for parking would be incompatible with most single-family neighborhoods and detract from the attractive walking environment that so many of Ashland's streets provide. In addition, the Commission discussed that the installation of an additional parking space can be



a barrier to encouraging ARUs because of physical constraints (e.g., trees, steep slopes, limited yard areas) and expense.

If the amendments are adopted, the Commission suggests that a review is performed of the small ARUs within two years of adoption. This would provide an opportunity to evaluate the number of units installed as well as any issues that may necessitate adjustments to the ordinance requirements. The Commission discussed monitoring the compatibility of building changes and additions with the surrounding neighborhood and any parking impacts. The Commission also discussed using information from the initial period for potentially considering exempting small ARUs located in detached structures in the future.

The Commission believes that the current requirement for a planning application for a Physical Constraints Review Permit for hillside lands (i.e., slopes 25 percent and greater) adequately addresses slope stability and design. Therefore, the Commission recommends eliminating the prohibition of ARUs on hillside lands in the RR zones. The Commission discussed the requirement that ARUs in the RR zone are located on an improved city street developed to a minimum of 20 feet in paved width, with curbs, gutters and sidewalks. There are 350 lots that are zoned RR which represents 3.7 percent of all lots in Ashland. There are 40 streets located in the RR zone. A review of those streets indicates that more than half do not meet the width requirement. The Commission finds that the current ARU requirements in the RR zone may be largely unobtainable and given the small number of lots, recommends deleting the street requirement. Finally, the Commission felt it is reasonable to require ARUs up to 800 square feet one parking spaces for consistency with the cottage housing parking requirement because the type and size of units is very similar.

Staff suggested making housekeeping and minor edit changes to the ordinance for consistency throughout the code, to correct inconsistencies with the previous code, to eliminate confusing or duplicative wording and to address items from Planning Commission public hearings. The Commission reviewed, discussed and supports the edits.



**CITY OF
ASHLAND**
**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
April 24, 2018**

CALL TO ORDER

Chair Roger Pearce called the meeting to order at 7:02 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

Commissioners Present:

Troy Brown, Jr.
Michael Dawkins
Melanie Mindlin
Haywood Norton
Roger Pearce
Lynn Thompson

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Dana Smith, Executive Assistant

Absent Members:

Debbie Miller

Council Liaison:

Dennis Slattery, absent

ANNOUNCEMENTS

Community Development Director Bill Molnar noted agenda items coming before the City Council. Tuesday, May 1, 2018, the Council would review the annexation for 601 Washington Street. At the Council Study Session May 14, 2018, the Council would have a presentation on the wildfire ordinance changes. Ashland Fire and Rescue had tentatively scheduled an open house for the general public May 31, 2018. After that staff will prepare for the Measure 56 notice. They were currently working with Fregonese and Associates to come down in June.

AD-HOC COMMITTEE UPDATES

Commissioner Dawkins attended the first of three ad hoc meetings for the Transportation Expansion Feasibility Study. He listed the participants and described how the group was focusing on what were the most important things public transportation provided. They will meet two more times before it goes before the Transportation Commission with completion targeted November 2018.

PUBLIC FORUM - None

LEGISLATIVE PUBLIC HEARINGS

A. Accessory Residential Unit Ordinance Amendments

Chair Pearce clarified this was not a quasi-judicial public hearing. The Commission would make a recommendation to the City Council.

Staff Report

Planning Manager Maria Harris provided a presentation that included the following:

Legislative History

- 1991: ARUs allowed in Single-Family Zones (R-1)
- 2002: ARUs allowed Rural Residential Zones (RR)
- 2008: ARUs allowed in the Multi-Family Zones (R-2 & R-3)
- 2015: ARUs changed from conditional to permitted use

Background

- 191 ARUs approved since 1991
- Last ten years (2007-2017)
 - 79 units approved
 - 41 of 79 or 52% units less than 500 sq. ft.
- 9,382 lots in the city, 9,621 households, 10,534 housing units
 - ARUs represent 2% of lots
 - ARUS represent 1.9% of households
 - ARUs represent 1.8% of housing units

Small Households - 2016 American Community Survey

- 39.4% of households are single person
- 35.3% of households are age 65 and older
- 2.30 person per household (2010 Census)

Ashland Goals, Policies and Objectives

- 2015 City Council Strategic Plan
 - 5.2.a. Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing.
- Comprehensive Plan Goal
 - 6.10 Ensure a variety of dwelling types and provide housing opportunities for the total cross-section of Ashland's population, consistent with preserving the character and appearance of the city.
- 2012 Housing Analysis recommends more rental studio and one-bedroom units.

State Goals and Laws

- Statewide Planning Goal 10

To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.
- Senate Bill 1051

A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

City zone map

- R-2 and R-3 will continue to require site design review

Draft Amendments

- ARUs less than 500 sq. ft. and attached or within a single-family residence exempt from planning approval process
 - Existing or new construction
 - "Exempt" ARUs allowed in R-1, R-1-3.5, RR, NN and NM zones
 - Does not require off-street parking if on-street within 200 feet
- ARU parking requirement changed
 - Existing = 1 off-street parking space for units up to 500 sq. ft.
 - Units 500 and over require 2 off-street parking spaces
 - Proposed = 1 off-street parking space for units up to 800 sq. ft.
 - Units 800 and over require 2 off-street parking spaces
- ARU standards for RR zone
 - Delete requirement that ARU on less than 25 percent slope
 - Requires Physical Constraints Review Permit for 25 percent and over
 - Delete requirement ARU accessed by city street paved to 20 feet with curbs, gutters and sidewalks

RR Zone

- 350 lots
- 40 streets – more than half do not meet existing street width requirement

On Street Parking

Ms. Harris monitored parking on eight streets at 2:00 p.m. Friday April 20, 2018 and between 6:00-6:30 p.m. Monday April 23. All streets were in the R-1.5 zones.

Wightman Street – Mill Pond to East Main – 1986 Subdivision

- Curb to curb width 27-feet.
- Parking on both sides of the street.
- 20 houses with 29 on-street spaces.
- Both days and times there was 1 car parked out of 29 spaces.

Romeo Drive – Fordyce to cul-de-sac – 1991 Subdivision

- Curb to curb width 25-feet.
- Parking on one side of the street.
- 7 houses with 10 on-street spaces.
- Friday 2:00 p.m. there was 1 car, Monday 6:00-6:30 p.m. there were 2.

Mill Pond – Fordyce to corner - 1993 Subdivision

- Curb to curb width 27-feet.
- Parking on 1.5 sides of the street.
- 10 houses with 8 on-street spaces.
- Friday 2:00 p.m. there were no cars, Monday 6:00-6:30 p.m. there was 1.

Orchid Street – Fordyce to dead end – 1994 Subdivision

- Curb to curb width 25-feet.
- Parking on both sides of the street.
- 14 houses with 23 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 2.

Village Square Drive – 1996 Subdivision

- Curb to curb width 25-feet.
- Parking on one side of the street.
- 13 houses with 9 on-street spaces.
- Friday 2:00 p.m. there was 1 car, Monday 6:00-6:30 p.m. there was 1.

Old Willow Lane– Fordyce to dead end – 1997 Subdivision

- Curb to curb width 22-feet.
- Parking on one side of the street.
- 12 houses with 12 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 2.

Clinton Street – Ann to Lynn – 2002 Subdivision

- Curb to curb width 26-feet.
- Parking on one side of the street.
- 18 houses with 22 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 2.

Drager Street – midblock – 2012 Subdivision

- Curb to curb width 22-feet.
- Parking on one side of the street.
- 7 houses with 13 on-street spaces.
- Friday 2:00 p.m. there were 2 cars, Monday 6:00-6:30 p.m. there were 4.

There were minor corrections to the draft not included in the report. The City Attorney issued a memo addressing the City's responsibility to enforce Covenants, Conditions and Restrictions (CC&Rs). It also spoke to whether a subdivision had to be changed in the quasi-judicial process if an ARU was added later and changed the density. The answers were no on both questions. Staff received two comments earlier in the day that were distributed to the Commission at the meeting.

Questions of Staff

Miss Harris addressed the comments received that day from Mark Knox and Amy Gunter. Mr. Knox suggested eliminating the planning application fee for all ARUs whether it was exempt or not. He questioned why detached units less than 500 square feet were not exempt. He did not think the City should require landscape and irrigation plans for all ARUs, not just the exempt ones. Ms. Harris clarified neither plans were required at this time and would not be in the future. Lastly, he did not think bike parking should not be required for ARUs. Ms. Gunter's comments were similar to Mr. Knox's comments. She did not think ARUs should go through multifamily development standards. Currently, ARUs went through site design review because they were a special use. Owner occupancy was not required for ARUs.

Standard on-street parking credits may be approved up to 50% of the total required parking. Staff treated it as a discretionary decision and always looked at availability before approval. In most cases, on-street credits were approved. Community Development Director Bill Molnar further clarified the parking standard was an objective standard and always required. There was also the parking management strategy that looked at reductions.

The rationale for having a different standard for a detached ARU versus attached was that neighbors were more concerned about detached ARUs. Staff took the approach of gradually introducing changes and monitoring them after a year. Site design focused on placement and orientation. When someone detached a building, it became more relevant than adding on or converting spaces. In the last year, 25% or more of all residential units approved were ARUs. It brought up the question on whether the site review process for detached units represented a barrier or did it allow for more thoughtful, coordinated development between neighbors.

Commission comment was concerned with the fairness of on-street parking space availability as more residents began adding ARUs. Ms. Harris included corner lots for the on-street parking study she did on the eight streets. Commissioner Brown thought if a lot could accommodate a parking space it should be required whether there was an on-street credit or not. On site review should be a part of the process.

Commissioner Thompson had the following drafting suggestions:

- **18.2.3.040.A.2** change "...except for the off-street parking requirements," to "**the unit meets all the requirements of the applicable zone except as otherwise defined in this subsection A.**"
- **18.2.3.040.B.R-1 Zone**, remove "...unless exempted..."

Commissioner Brown addressed **18.2.3.040.B.2** and wanted clarity on why the City would not count ARUs for density in subdivisions. It allowed an additional ARU on a lot without counting against the density limits in the underlying zoning. Commissioner Norton clarified he did not have an issue with the density of units, it was the density of lots per acre. They could look at the units separate from the lots. He had looked at a couple CC&Rs and neither addressed density. They discussed residential units only and did not indicate a number. There was some flexibility. It also stated the City did not enforce CC&Rs.

Commissioner Thompson questioned if "**...subject to Site Design Review under chapter 18.5.2...**" in **18.4.2.040 Accessory Residential Unit** was enough to prompt someone to look further in the code for all applicable standards. Ms. Harris would add a reference to see **Special Use Standards for Accessory Residential Units** and cite the section.

Commissioner Thompson wanted to ensure the overlay requirements would apply to a non-exempt unit. They did not seem to apply to an exempt unit. Ms. Harris explained an exempt ARU in a historic district required a building permit only and was not subject to historic district site review. It did not exempt hillside plains or flood plains. It would still have to go through the physical and environmental constraints review permit process. Commission comment noted it just exempted one from the design standard. It would have to conform to all the overlays that applied and all the standards in the zone. Ms. Harris clarified the first pages depicted what was regulated in the base zones and overlay zones. It did not go use-by-use and list the standards that applied.

Commissioner Thompson addressed Rural Residential (RR). She was struggling with the notion that the land disturbance had to be on a less than 25% slope. Other than it being a potential impediment in some cases, was it wise to give up this further constraint. Ms. Harris replied that was a deliberation for the Commission to decide. Anything 25% or greater would go through the physical constraints review permit and involved a geo-technical expert assessing the slope. An ARU could not be developed on slopes 25% or greater. The policy question would be, if you have a hillside development permit process that looks at stability and slope and ensures it is built correctly, how come an ARU cannot be built on a slope.

Commissioner Norton referred to the East Village development. It had a higher density and several parking bays. It was difficult to discern if they were part of the on-street parking or part of a common area removing it from the street parking category. The Oak Knoll neighborhood had areas with no on-street parking. There were parking bays designed differently from the street. They appeared to be under the control of a Home Owners Association (HOA). If they were under the HOA, then there was no parking in the area within the 200 feet.

Ms. Harris responded most were in the public right of way. Commissioner Norton further explained subdivisions built in the last ten years did not have sufficient land for detached ARUs. It would have to be inside.

Commissioner Thompson addressed ARUs not going through site design review. If they were subject to the overlay requirements, what triggered that review? Ms. Harris explained the Planning and Building Divisions both reviewed applications for ARUs. Planning first looked at location and whether there was an overlay. It was part of the building permit process. Mr. Molnar added what triggered a Type I under a physical and environmental constraints review was if it met the definition for development. Development applied to a structure, an addition, or driveway. Planning staff always checked the property, the catch overlay and Type I requirements.

PUBLIC TESTIMONY

Russ Chapman/Ashland/Spoke to the consideration of increased density in R-1 zone. In his R-1 neighborhood for over a decade, a neighbor had run an illegal boarding house. He provided history on the property and code compliance efforts that were to date unsuccessful. Before the Commission increased density in the R-1 zones, he wanted the Planning Division and Legal Department to have an ordinance that was enforceable.

Chair Pearce explained the Planning Commission did not have any jurisdiction over code enforcement. He suggested Mr. Chapman consult with a private attorney or work with the City Attorney and Code Compliance Specialist.

DISCUSSION

Commissioner Thompson had drafting issues with the ordinance. She supported the ordinance substantively except in exempting historic design standards for additions. Ms. Harris explained the Historic Review Board reviewed all building permits. But if it was just a building permit and not part of a planning action, it was an advisory review only.

Commissioner Brown confirmed what was allowed in the historic district had to conform to the overlay, with reviews by the Planning and Building Divisions, would apply to ARU additions. Ms. Harris added it was because it was part of the building orientation and design standards. Commissioner Brown was not in favor of removing the site review. The code should be as cognizant about the owner as it was about the neighbors. He was fine with internal ARUs. Commissioner Mindlin disagreed. Anyone could build an addition to their house for any reason and add doors and decks that neighbors would consider obnoxious. Commissioner Brown added it could end up being rental that was not part of the neighborhood. Chair Pearce countered and explained a rental could house a family up to five who were unrelated individuals. An applicant could build an addition and rent it as long as it conformed to the setbacks and standards for a single family house.

Commissioner Norton had an issue with the parking space not being contiguous within the 200-feet. It could create conflict with neighbors. He wanted a site design review or some other form of review. Newer subdivisions had more houses and less curb space.

Chair Pearce agreed with the Department of Land Conservation and Development (DLCD). They did not think required parking for an ARU was a reasonable standard. Instead they recommended other ways to address parking through residential parking zones and passes. Commissioner Brown thought parking should be taken care of up front to avoid issues in the future. Commissioner Thompson noted the standard required one additional parking space under the parking ratios for units less than 500 sq. ft. The proposed ordinance did not require any additional parking if there was on-street parking within 200 feet. Alternatively, one off-street parking may be provided. It they flipped it so the preference was on-site parking went if possible. If an applicant could not provide that, the on-street parking within 200 feet would apply. She questioned enforcement if there was not site design review. Ms. Harris did not think it could be exempt because it would be exercising discretion. Chair Pearce added it would not be a clear and objective standard. Commissioner Brown though it could be clear through square footage. Ms. Harris noted what prevented most single family lots from putting in an addition was having a house accessed by a driveway did not allow room. Most of the lot was behind the house or to the side. People cross the threshold in terms of the front yard that could be parking.

Commissioner Mindlin commented the goal was increasing the possibility of more rental units. The state had identified this as an important and essential need. Commissioner Brown thought parking had to be provided. Commissioner Mindlin noted Ashland did not have a shortage of parking. Commissioner Brown reasoned that two people moving into a 500 square foot ARU would most likely have two cars. Commissioner Dawkins observed this was a policy issue. The objective was bringing in smaller affordable units and it conflicted with parking. He was concerned with the lack of smaller units, not parking. He supported staff's recommendation. Commissioner Norton questioned if it was reasonable to give up a small part of a front yard to add an ARU and parking. Commissioner Dawkins disagreed. Ashland put an emphasis on the front appeal of homes. Garages were in the back. He did not want to give up the aesthetic of a neighborhood to accommodate parking.

Commissioner Thompson explained there were two issues, parking and external changes in historic districts. Commissioner Brown had a broader concern about any addition in any zone that was externally visible and whether site design should be required. Commissioner Thompson wondered if it made sense to consider an adjustment to the framework where short form exemptions would apply to changes within an existing structure and still require site design for exterior additions or modifications using the reduced design requirements in the proposed ordinance. Chair Pearce thought it might be prudent to retain site design review for external additions in historic districts.

Ms. Harris clarified under the existing site design review process outside of the historic district, there were not any design standards that affect the outside of a building. The only thing it stated for a multifamily residential was the building had to be oriented to the street. The second clarification regarded requiring off-street parking on small ARUs. It actually made it more restrictive that is was presently. If someone had a space in front of their lot, they would get an on-street parking credit unless there was an obvious problem with on-street parking. They did not have to put in their lot first. The difference in the proposed code was the 200-foot margin.

Commissioner Brown noted in the current ARU ordinance it did not indicate how many people could occupy a unit. Commissioner Mindlin explained the state restricted any lot from having more than five unrelated individuals. Chair Pearce added there was not a limit for related family.

Commission majority wanted to retain site design review for expansions to existing dwellings in historic districts. Ms. Harris would add that as not exempt within a historic district if it was external.

For the parking within 200-feet of the property. Commissioner Brown thought it might be better to remove the 200-foot provision and leave it consistent with the current ordinance. Ms. Harris explained the 200-foot was in the code in several places. It was used for commercial projects. Mr. Molnar added it was in the performance standards subdivision. Commissioner Dawkins clarified home owners did not own the street space in front of their homes. Because of that, he was comfortable with the 200-feet. Commissioner Mindlin explained residences with parking on one side of the street located on the no parking side would never get the on-street parking credit. Ms. Harris confirmed in the existing code, the

200-feet did not apply to both sides of the street, only the side where the property was located. Commissioner Norton suggested allowing people who could provide parking on their property or in front of their house. Before they got the 200-feet, they had to prove they could not provide parking on site.

Commissioner Thompson questioned why the language could not just say, “**provide additional off-street parking in accordance with the table,**” and have an exception under the parking management strategy section. Chair Pearce responded there was not a parking management strategy that would work for single family house. They would have to establish it was impractical or put in a parking a lot. Commissioner Thompson suggested that even if an owner could provide parking on their lot, they could be eligible for a credit if they qualified. Ms. Harris explained current parking code for ARUs was one space for a unit less than 500 sq. ft. and two spaces for units larger than 500 sq. ft. Commissioner Thompson replied this was under the exemption and parking standards were not applicable. She suggested deleting 6 and adding language that would apply that standard subject to a credit under that section of the code.

Commissioner Mindlin wanted to use the language in draft ordinance. Chair Pearce agreed. It was a trade-off between parking and housing. Commissioner Mindlin added between number of ARUs being built and the availability of parking in R-1 districts, she was not concerned with parking. The parts of town really challenged were mostly in the R-2 zone.

The Commission was split regarding parking. Commissioner Brown summarized that it came down to either housing or parking. It appeared they could not have a clear, enforceable ordinance that allowed both parking and housing. Plan B could have the Planning and Building Divisions making a “hard sell” to applicants to put parking on their lots. He supported the proposed language as written. He agreed with singling out the historic district. It was difficult to require a site review for an ARU when it was not required for an addition.

Commissioner Thompson noted this was the first step for ARU privileges. The Commission could evaluate parking going forward for larger units. Chair Pearce thought it would be valuable for the Council to hear the Commission’s concerns regarding the parking. Commissioner Brown thought Council should also hear the concerns regarding site design review.

Mr. Molnar confirmed with Commissioner Brown he only wanted the historic district design standards and a site review to apply when it was an attached addition. Ms. Harris summarized the ordinance changes as follows:

- Add Commissioner Thompson’s drafting changes and bring it back for approval
- Add under the exempt section if it involved exterior changes in the historic district it was not exempt

Staff would make the changes and bring them back along with a recommendation to a future Commission meeting.

Commissioners Mindlin/Dawkins m/s to approve the ordinance changes as written in the packet with changes Commissioner Thompson suggested in the drafting, and the change that additions in historic district still require site review. Voice Vote: All AYES. Motion passed 6-0.

DISCUSSION ITEMS

A. Annual Retreat, possible dates May 19 or June 9

The Commission could not meet in full May 19, 2018 or June 9, 2018. They discussed having a retreat during the work week. Staff would send out a poll with a several options.

ADJOURNMENT

Meeting adjourned at 9:07 p.m.

*Submitted by,
Dana Smith, Executive Assistant*

Dana Smith

Subject: FW: Accessory Residential Unit Ordinance Amendments

From: jason eaton [<mailto:jason@designbuildashland.com>]
Sent: Wednesday, April 25, 2018 8:01 AM
To: Maria Harris <maria.harris@ashland.or.us>
Subject: Accessory Residential Unit Ordinance Amendments

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City Of Ashland

Maria,

I'd like to voice my support for the ARU Ordinance Amendments. The cost of construction has risen dramatically in the last 2 years for a number of reasons and we have an incredibly low rental vacancy rate. I think reducing timelines, requirements and paperwork for ARUs will be very helpful in encouraging Ashland residents to build more rental housing.

I'd like to see the proposed rule changes include detached ARUs as well. Could you please explain to me the rationale for the proposal only excluding attached ARUs from the Site Review Process?

The detached ARU has many potential benefits over an attached one:

- Fewer firewall requirements (it can be complicated to integrate a new unit into an existing older structure and still meet fire code)
- More opportunities for private space for all residents of the property. Alley access to a detached unit can provide separation between units as well as outdoor living areas.
- Detached units have fewer siting restrictions which makes it easier to integrate into an existing lot, with existing conditions such as trees, landscaping and the main house. Most lots in Ashland are relatively narrow so an attached ARU tends to need to be added to the rear of a house which is most likely to disturb the main homes outdoor patios and gathering areas.

Overall, I appreciate the city easing restrictions on building to help alleviate the lack of housing through infill.

Thank you for your time,
Jason Eaton

www.designbuildashland.com

Jason Eaton
Conscious Construction Inc.
PO Box 3205
Ashland, Oregon 97520

(541)973-8889

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**Planning Commission
Speaker Request Form**

- 1) Complete this form and return it to the Secretary prior to the discussion of the item you wish to speak about.
- 2) Speak to the Planning Commission from the table podium microphone.
- 3) State your name and address for the record.
- 4) Limit your comments to the amount of time given to you by the Chair, usually 5 minutes.
- 5) If you present written materials, please give a copy to the Secretary for the record.
- 6) You may give written comments to the Secretary for the record if you do not wish to speak.
- 7) Speakers are solely responsible for the content of their public statement.

Name	<u>Ross Chapman</u>		
	<small>(please print)</small>		
Address (no P.O. Box)	<u>715 Elkader St</u>		
Phone	<u>890-9551</u>	Email	<u>rcam@ashlandhome.net</u>
Tonight's Meeting Date	<u>4-24-18</u>		

V-A

Regular Meeting

Agenda item number ~~1~~ **OR** **Topic for public forum (non agenda item)** _____

Land Use Public Hearing	
For: _____	Against: _____
Challenge for Conflict of Interest or Bias	
<p>If you are challenging a member (planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Chair will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.</p>	
Written Comments/Challenge: _____	

The Public Meeting Law requires that all city meetings are open to the public. Oregon law does not always require that the public be permitted to speak. The Ashland Planning Commission generally invites the public to speak on agenda items and during public forum on non-agenda items unless time constraints limit public testimony. No person has an absolute right to speak or participate in every phase of a proceeding. Please respect the order of proceedings for public hearings and strictly follow the directions of the presiding officer. Behavior or actions which are unreasonably loud or disruptive are disrespectful, and may constitute disorderly conduct. Offenders will be requested to leave the room.

Comments and statements by speakers do not represent the opinion of the City Council,
City Officers or employees or the City of Ashland.

Dana Smith

Subject: FW: ARU Comments

From: Maria Harris
Sent: Tuesday, April 24, 2018 4:34 PM
To: Dana Smith <dana.smith@ashland.or.us>
Subject: FW: ARU Comments

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Dana, could you print this for the PC meeting tonight?

Maria Harris, AICP
Planning Manager
City of Ashland, Community Development Department
20 E. Main St., Ashland, OR 97520
541.552.2045 Tel
800.735.2900 TTY
541.552.2050 Fax

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at 541.552.2045. Thank you.

From: Mark Knox [mailto:knox@mind.net]
Sent: Tuesday, April 24, 2018 3:56 PM
To: Maria Harris <maria.harris@ashland.or.us>
Cc: 'Mark Knox' <knox@mind.net>
Subject: ARU Comments

Hey Maria,

Could you please review and forward to the PC? I will try and attend tonight's meeting, but I wanted to support the proposed amendments, but would also like to add a couple of more suggestions in order to encourage more affordable housing options:

- 1) Eliminate the ARU fee for units greater than 500 sq. ft.
- Building permits and building permit fees would still be required, but not the Planning fee (City of Portland has no fee)
- 2) At a minimum, include ARU's less than 500 sq. ft. that are also "detached" from SFRs to also be a "permitted use"
-Not sure why small detached ARU's would be excluded from the proposed code when attached ARU's are proposed to be exempt. Many properties in Ashland have the ability to accommodate a small accessory unit, but the owners do not necessarily want to share a common wall. As written, "detached" is discouraged and thus is another barrier to not only additional housing options, but also impacts livability (less windows, less private space, attached walls, etc.).
- 3) Similar, include ARU's greater than 500 sq. ft. to not have to include a landscaping plan and irrigation plan with their submittals. This is an expensive, unnecessary and a subjective requirement. Further, as written, if an owner of an ARU unit, greater than 500 sq. ft., 10 years in the future decides to replace landscaping varietals, the process would technically be a modification of the CUP (I believe I'm reading this correctly).
- 4) Not 100% sure (Maria, please check me on this one), but I would suggest eliminating the bike parking requirements for ARUs. There are a couple of new ARUs where the inverted "U" rack has been added to a front yard, under an eave, and it looks completely out of place. Bike parking is important, but that particular standard is not only unsightly if done wrong and costly (racks are \$250, not including labor or installation materials, shelter requirements, etc).

Thanks – Mark Knox

KDAHomes

plan. develop. build

Mark Knox

Project Management/Planner

Cell 541-821-3752

CCR # 203490

604 Fair Oaks Court
Ashland, Oregon 97520

mark@kda-homes.com

www.kda-homes.com

Dana Smith

Subject: FW: Accessory Residential Unit - Agenda Item

From: Maria Harris
Sent: Tuesday, April 24, 2018 4:35 PM
To: Dana Smith <dana.smith@ashland.or.us>
Subject: FW: Accessory Residential Unit - Agenda Item

Another comment for the PC meeting tonight.

Maria Harris, AICP
Planning Manager
City of Ashland, Community Development Department
20 E. Main St., Ashland, OR 97520
541.552.2045 Tel
800.735.2900 TTY
541.552.2050 Fax

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From: Amy Gunter [mailto:amygunter.planning@gmail.com]
Sent: Tuesday, April 24, 2018 3:28 PM
To: tbrown@gmail.com; hmillar@jeffnet.com; sasetta@mind.net; fhnorton527@gmail.com; Lynn Thompson <lkthompson@hotmail.com>; planning@ashland.or.us
Subject: Accessory Residential Unit - Agenda Item

Dear Planning Commission,
I am sorry that I am unable to attend the public hearing, but I would like these comments added to the record.

I am pleased to see the suggested code amendments for the development of accessory residential units. But, if the City of Ashland is to get serious about addressing the housing issues plaguing the community, additional code amendments are necessary.

Accessory Residential Units should be a permitted use whether attached or detached.

Conversion of existing floor area within a residence can be complex due to necessary fire separations necessary between units. This limits penetrations for plumbing, electrical and HVAC, and the result is that major renovation maybe necessary that is ultimately more costly and disruptive to the existing residence and its occupants.

At times, a detached structure may be a more financially and structurally feasible option.

The code should allow for all accessory residential units, even in the multi-family zones, subject to clear and objective standards.

Accessory Residential Units should be subject to the same standards that apply to all other detached accessory structures. This includes setbacks, solar setback from adjacent property, additional parking space(s) and lot coverage.

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Subjecting the development of accessory residential units to the Multi-Family Development Standards is a barrier to the development of accessory residential units. Eliminating these standards is supported with the modified code language (AMC 18.4.2.030), but Site Review still applies.

As a land development consultant, I enjoy the work that comes my way, but I firmly believe that the Site Review process for development of accessory residential units should be eliminated. The process adds additional expenses that reduce the affordability of the unit. With clear and objective standards, Site Review is an unnecessary step.

Thank you for your time and service.

Best,
Amy

Amy Gunter

Rogue Planning & Development Services

541-951-4020

www.rogueplanning.com

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
April 24, 2018
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street.

- II. **ANNOUNCEMENTS**

- III. **AD-HOC COMMITTEE UPDATES**

- IV. **PUBLIC FORUM**

- V. **LEGISLATIVE PUBLIC HEARINGS**
 - A. Accessory Residential Unit Ordinance Amendments.

- VI. **DISCUSSION ITEMS**
 - A. Discussion of Annual Retreat. Possible dates May 19 or June 9.

- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

ASHLAND PLANNING DIVISION STAFF REPORT

April 24, 2018

PLANNING ACTION: PA-L-2018-00002

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

- AMC 18.2.2 Base Zones and Allowed Uses
- AMC 18.2.3 Special Use Standards
- AMC 18.3.4 Normal Neighborhood District
- AMC 18.3.5 North Mountain Neighborhood District
- AMC 18.4.2 Building Placement, Orientation, and Design
- AMC 18.4.3 Parking, Access, and Circulation
- AMC 18.5.2 Site Design Review
- AMC 18.6.1 Definitions

REQUEST: Amendments to the accessory residential unit (ARU) standards to allow units less than 500 square feet in size that are within or attached to the primary residence as an outright permitted use in the Single-Family Residential (R-1), Suburban Residential (R-1-3.5), Rural Residential (RR), Normal Neighborhood (NN) and North Mountain Neighborhood (NM) zones. In addition, the off-street parking requirement for ARUs is changed from one space required for units less than 500 square feet in size to one space required for units less than 800 square feet in size. Finally, the draft amendments include minor edits and corrections to AMC 18.2.2 Base Zones and Allowed Uses, AMC 18.2.3.160 Keeping of Livestock and Bees, 18.3.4 Normal Neighborhood District, 18.3.5 North Mountain Neighborhood District, 18.3.9 Performance Standards Options, 18.4.3 Parking, Access, and Circulation, and AMC 18.6.1.030 Definitions.

I. Relevant Facts

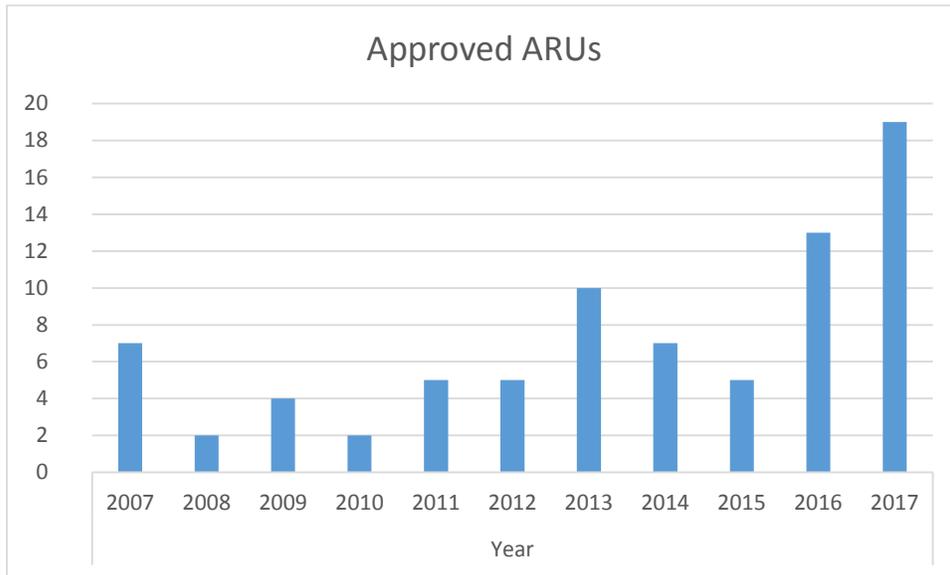
A. Background

The Planning Commission began discussing providing more flexibility for homeowners that are interested in locating an accessory residential unit (ARU) within or attached to their homes at the 2017 annual retreat. Subsequently, the Commission held four study sessions to discuss and review draft amendments to the ARU standards on [August 22, 2017](#), [October 24, 2017](#), [November 28, 2017](#) and [February 27, 2018](#) study sessions.

Ashland began allowing ARUs almost three decades ago when the land use ordinance was amended in 1991 to allow ARUs in the Single-Family Residential (R-1) zones. In 2002, the allowance for ARUs was extended to the Rural Residential (RR) zone and in 2008 was extended to the Multi-Family (R-2 and R-3) zones. In 2015, the planning approval process for ARUs was changed from a conditional use to a permitted use. As a result, the planning

application process was shifted to Site Design Review from the more discretionary Conditional Use Permit process.

Since Ashland began allowing ARUs in 1991, 191 units have been approved. According to staff’s research, 79 ARUs have been approved in the last ten years (2007 – 2017) and 41 of those units, or 52 percent, were less than 500 square feet in size. The chart below shows the number of ARUs approved by year for the last ten years (2007-2017).



B. Ordinance Amendments

In summary, the draft revisions to the ARU standards would allow units less than 500 square feet in size that are within or attached to a single-family residence as an outright permitted use. As an outright permitted use, the ARUs would be exempt from the planning application process for Site Design Review. This means a property owner could convert existing floor area or construct an ARU attached to a single-family dwelling with a building permit.

Site Design Review approval is normally required for any development that includes two or more dwellings on one tax lot, including accessory residential units. The Site Design Review process requires a pre-application conference (\$136) and planning application (\$680) prior to submitting a building permit application. The pre-application and planning application process take approximately two to three months to complete, including the required noticing and comment periods.

The outright permitted ARUs are covered in a new “exemption” section in 18.2.3.040.A. The ARUs would be allowed in the R-1, R-1-3.5, RR, NN and NM zones. These small ARUs would not be required to have additional off-street parking if there is on-street parking within 200 feet of the property. The ARUs could either be built as part of new construction or added to a primary residence at a later date.

The other significant change is an increase in the ARU size for calculating the off-street parking requirement. Currently, one off-street parking space is required for ARUs less than 500 square feet. In the proposed draft, the size has been increased so that one space is required for ARUs less than 800 square feet in size. The change in size for one off-street parking spaces is consistent with the recently adopted ordinance requirements for cottage housing.

The proposed amendments to the land use ordinance are attached. Grey text is unchanged, ~~strikeout text is deleted~~ and underline text is new (or moved) – these changes are shown in relation to the ordinance that is currently in place. Staff has added explanatory notes throughout the draft.

Change in Circumstances or Conditions

AMC 18.5.9.020.B permits legislative amendments to meet changes in circumstances and conditions. The Planning Commission makes a recommendation to the City Council and the City Council makes the final decision.

Housing prices throughout Oregon continue to go up, outpacing employment and wage growth. Less housing was constructed during the recession and this has exacerbated the impacts to housing supply. In response, Oregon passed Senate Bill 1051 in 2017 which included a provision that requires cities and counties to allow at least one accessory dwelling unit (ADU) per lot in areas zoned for detached single-family dwellings, subject to reasonable local regulations relating to siting and design. The new regulations become effective on July 1, 2018.

The Oregon Department of Land Conservation and Development (DLCD) released a guiding document for implementing the ADU requirement under Senate Bill 1051 in March 2018 (see attached). The purpose of the document is to provide cities and counties guidance on ADU requirements that are “reasonable” give the language included in Senate Bill 1051. The DLCD guiding document discourages requiring a minimum lot size for ADUs, building design standards outside of historic districts, off-street parking for ADUs, owner-occupancy of the property, and separate sewer and water connections.

The existing ARU standards as well as the draft amendments for exempt ARUs are largely consistent with DLCD’s guiding document for implementation of Senate Bill 1051. Ashland’s ARU ordinances do not require a minimum lot size, limit building design standards to historic district properties, do not require owner-occupancy of the property and do not require separate sewer and water connections.

The existing standards diverge from the DLCD guiding document in that off-street parking is required for ARUs. However, on-street parking is allowed to replace off-street parking requirements for an ARU at a rate of one on-street parking space for one required off-street parking space. The proposed amendments do not require off-street parking for the new exempt ARUs if off-street parking is available within 200 feet of the property.

Statewide Planning Goal 10 requires cities to inventory buildable lands for residential use and implement plans that encourage the availability of adequate numbers of needed housing units and price ranges and rent levels which are commensurate with the financial capabilities of households. Needed housing units is defined as housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels.

At the local level, demographic data shows that Ashland differs from cities of comparable size due to a higher concentration of students and residents 65 years old and older. The average household size for the State of Oregon was approximately 2.47 people per household in the 2010 Census. In comparison, Ashland had an average household size of 2.03 persons per household in 2010. Portland State University is charged with developing population projections for cities and counties in Oregon and in a recent presentation, noted the average household size for Ashland and Jacksonville as 2.00 person per household. This difference in person per households is attributed to the large number of single person households within Ashland (37.7 percent). Roughly a third of these single occupant households are individuals 65 and over.

The City of Ashland's 2012 housing needs analysis identifies a deficit in rental housing for extremely-low income (less than 30 percent of area median income) and low-income households (between 30 percent and 50 percent of area median income). These two groups represent 23.5 percent of Ashland's households. The analysis recommends the City encourage more rental studio units and one-bedroom units, and encourage ARUs as an outright permitted use in the single-family zones.

The proposed amendments allow ARUs less than 500 square feet in size that are within or attached to a single-family residence as an outright permitted use that is exempt from the planning application process. The revisions are intended to address the 2012 housing needs analysis findings and recommendations focused on encouraging studio and one-bedroom rental units.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

B. Type III. It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III

procedure.

1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
3. Land Use Ordinance amendments.
4. Urban Growth Boundary amendments.

III. Conclusions and Recommendations

If the Commission recommends approval of the attached ordinance, staff will prepare a formal recommendation to the Council for the Commission's review at a future meeting.

City of Ashland

Accessory Residential Unit Revisions

Draft Ordinance Amendments – 4/24/18

Section 18.2.2.030 is amended to read as follows:

18.2.2.030 Allowed Uses

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to approval of a conditional use permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040. ~~Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited. For uses allowed in special districts CM, HC, NM, and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3.~~
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- C. Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of chapter 18.5.4.
- D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090, and 18-1.6.100.
- E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. For uses allowed in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City's overlays zones, refer to part 18.3. ~~For regulations applying to the City's overlays zones, please refer to part 18.3.~~
- F. Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the land use categories in part 18.6 Definitions.
- G. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.
- H. Temporary Uses.** Temporary uses require a Conditional Use Permit under chapter 18.5.4; except as follows:

Commented [MH1]: Removed because repetitive – covered under subsection D and E below.

1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
 3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.
- I. **Disclaimer.** Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.
-

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
A. Agricultural Uses¹										
Agriculture, except Keeping of Bees, Livestock and Micro-Livestock, Homegrown Marijuana Cultivation, and Marijuana Production	P	P	P	P	P	P	N	N	N	Animal sales, feed yards, keeping of swine, commercial compost, or similar uses not allowed
Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
Keeping of Livestock	S	N	N	N	S	S	N	N	N	
Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
B. Residential Uses										
Single-Family Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family standards in Sec. 18.2.5.090 Sec. 18.2.3.130 for C-1 zone and E-1 zone. Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Accessory Residential Unit	P or S	P or S	S	S	P or S	N	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
Duplex Dwelling	S	P	P	P	N	N	S	S	N	Sec. 18.2.3.110 Duplex Dwelling
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	Sec. 18.2.3.170 and not allowed in Historic District Overlay

Commented [MH2]: Adds the new exempt ARUS as a permitted use "P"

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
B. Residential Uses² <i>(continued)</i>										
Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
C. Group Living										
Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
D. Public and Institutional Uses										
Airport										See chapter 18.3.7 Airport Overlay
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
D. Public and Institutional Uses <i>(continued)</i> ³										
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
Community Service, includes Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Electrical Substation	N	N	N	N	N	N	CU	CU	P	
Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
Public Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	NP	NP	
Public Works/Utilities Storage Yard; includes vehicle and equipment, maintenance, repair	N	N	N	N	N	N	N	P	P	

Commented [MH3]: Removed because duplicates "government offices and emergency services three lines below.

Commented [MH4]: Correction because public parking facility allowed in E-1 and M-1 in the pre-2015 code.

Commented [MH5]: Removed because "Utility and Service Building, Yard and Structure" below. In addition, the uses are listed incorrectly and not consistent with pre-2015 code.

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
D. Public and Institutional Uses <i>(continued)</i> ⁴										
Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
Utility and Service Building, Yard and Structure, Public and Quasi-Public, excluding underground utilities and electrical substations	CU	CU	N	N	CU	CU	P	P	P	<u>Includes public service building, yard, and structures such as public works yards</u> Yards not allowed in the <u>RR, WR, and C-1 zone</u>
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	<u>Sec. 18.2.3.050</u> <u>In C-1 zone, fuel sales and service limited to is a permitted use provided within the Freeway Overlay, see</u>

Commented [MH6]: Was added in 2015 in an attempt to clarify that utilities that run underground throughout the City do not fall in this category. However the language has simply proved confusing

Commented [MH7]: Added for consistency with pre-2015 code.

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										chapter 18.3.8: conditional use in locations outside of Freeway Overlay In E-1 zone, auto and truck repair is a permitted use if 200 feet or more from residential zones; fuel sales and service requires CU permit
E. Commercial Uses (continued)⁵										
Automotive Sales and Rental, except within the Historic Interest Area ; includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Except n Not allowed within Historic District Overlay
Accessory Travelers' Accommodation (See also Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Bakery, except as classified as Food Processing	N	N	N	N	N	N	P	P	P	
Commercial Laundry, Cleaning, and Dyeing Establishment	N	N	N	N	N	N	S	S	P	Sec. 18.2.3.080
Commercial Recreation, includes country club, golf course, swimming club, and tennis club; excluding intensive uses such as driving range, race track, or amusement park	CU	CU	N	N	CU	CU	N	N	N	
Drive-Up Use	N	N	N	N	N	N	S	N		Per Sec. 18.2.3.100, Drive-Up uses are limited to area east of Ashland St at intersection of Ashland St/Siskiyou Blvd
Hostel	N	N	CU	CU	N	N	CU*	N	N	*In C-1 zone, requires annual Type I review for at least the first three years, after which time the Planning Commission may approve a permanent facility through the Type II procedure

Commented [MH8]: Added for consistency with pre-2015 code

Commented [MH9]: Duplicative wording

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses (continued)⁶										
Hotel/Motel	N	N	N	N	N	N	CU	CU	P	
Kennel (See also Veterinary Clinic)	N	N	N	N	N	N	S	S	CU	No animals kept outside within 200 feet of a residential zone
Limited Retail Uses in Railroad Historic District	N	CU	CU	CU	N	N	N	N	N	Sec. 18.2.2.210 for Retail Uses Allowed in Railroad Historic District
Lumber Yard and Similar Sales and Rental of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	NCU	CU	P	
Marijuana Retail Sales, includes sale of medical and recreational marijuana	N	N	N	N	N	N	S or CU	S or CU	N	Per Sec. 18.2.3.190, marijuana retail sales are limited to the C-1 and E-1 zones and located on a boulevard or 200 feet or more from any residential zone, see Sec 18.2.3.190.
Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
Office (See also Commercial Services)	N	N	CU	CU	N	N	P	P	P	
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	

Commented [MH10]: For consistency with pre-2015 code

Commented [MH11]: Commercial Services reference doesn't point to anything

⁶ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
E. Commercial Uses (continued)⁷										
Restaurants	N	N	N	N	N	N	P	P	P	
Commercial Retail Sales and Services, except Outdoor Sales and Services	N	N	CU+S	N	N	N	P	S	S	In R-2 zone, uses limited to personal and professional services, except see Sec. 18.2.3.210 for retail uses allowed in Railroad Historic District In E-1 zone, Retail limited to 20,000 sq ft of gross leasable floor space per lot. In M-1 zone, uses limited to serving persons working in zone See Marijuana Retail Sales
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Travelers' Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
Veterinary Clinic	N	N	N	N	N	N	P	P	P	
F. Industrial and Employment Uses										
Cabinet, Carpentry, and Machine Shop, and related Sales, Services, and Repairs	N	N	N	N	N	N	N	S or CU	P	In the E-1 zone, uses within 200 feet of a residential zone require CU permit

Commented [MH12]: Restaurants were inadvertently removed as a use in the 2015 code, added back in consistent with pre-2015 code

Commented [MH13]: "Commercial" doesn't match definition terminology of "Retail Sales and Services."

⁷ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
F. Industrial and Employment Uses <i>(continued)</i> ⁸										
Commercial Excavation and Removal of Sand, Gravel, Stone, Loam, Dirty or Other Earth Products	N	N	N	N	CU+S	N	N	N	N	Sec. 18.2.3.070
Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
Food Products Manufacture/Processing/Preserving, including canning, bottling, freezing, drying, and similar processing and preserving.	N	N	N	N	N	N	S	S	P	In the C-1 zone, manufacture or assembly of items sold is a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet In the E-1 zone, See Sec. 18.2.3.140
Manufacture, General, includes Marijuana Laboratory, Processing, and Production	N	N	N	N	N	N	N	P or S	P or S	In E-1 and M-1 zones, marijuana laboratory, processing, and production are subject to the special use standards in Sec. 18.2.3.190 See Marijuana Cultivation, Homegrown
Manufacture, Light; excluding saw, planing or lumber mills, or molding plants.	N	N	N	N	N	N	S	P	P	Requires assembly, fabricating, or packaging of products from previously prepared materials such as cloth, plastic, paper, cotton, or wood In the C-1 zone, manufacture or assembly of items sold in a permitted

⁸ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Table 18.2.2.030 – Uses Allowed by Zone										
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
										use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
F. Industrial and Employment Uses (continued) ⁹										
Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
Television and Radio Broadcasting Studio	N	N	N	N	N	N	N	P	P	
Wholesale Storage and Distribution, includes Marijuana Wholesale	N	N	N	N	N	N	N	S	S	Deliveries and shipments limited to 7AM-9PM within 200 feet of a residential zone In E-1 and M-1 zones, marijuana wholesale is subject to the special use standards in Sec. 18.2.3.190
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU	
G. Other Uses										
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H									

⁹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Section 18.2.3.040 is amended to read as follows:

18.2.3.040 Accessory Residential Unit

~~Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements. Accessory residential units are subject to Site Design Review under chapter 18.5.2, except as exempted in subsection 18.2.3.040.A, below.~~

A. Exemptions. Accessory residential units are permitted outright with an approved building permit, and are allowed without a Site Design Review under chapter 18.5.2 provided that the accessory residential unit meets all of the following requirements.

1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM zones. Accessory residential units in the R-2 and R-3 zones require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
2. The accessory residential unit meets all of the requirements of the applicable zone in subsections 18.2.3.040.B, C, E and F, below, except for the off-street parking requirements.
3. The size of the accessory residential unit is less than 500 square feet of gross habitable floor area (GHFA).
4. The accessory residential unit is attached to the primary residence or within an existing primary residence. Accessory residential units located in detached structures (i.e., not attached to the primary residence) require Site Design Review under chapter 18.5.2 and are not permitted outright under this subsection.
5. The property must have two off-street parking spaces, except that parking spaces, turn-arounds, and driveways are exempt from the requirements in subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection 18.4.3.080.E.1.
6. Additional off-street parking is not required for the accessory residential unit if on-street parking is permitted within 200 feet of the property. Alternatively, one off-street parking space may be provided on the property in conformance with the off-street parking provisions for accessory residential units in section 18.4.3.080.

AB R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements unless exempted in subsection 18.2.3.040.A, above.

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot and shall not exceed 1,000

Commented [MH14]: Creates new group of ARUs that are permitted outright subject to the use standards in A.

Commented [MH15]: Eliminates the requirement that ARUs be counted in the density of subdivisions.

square feet GHFA.

4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.080, except that parking spaces, turn-arounds, and driveways are exempt from the **requirements in subsections 1 and 2 of 18.4.3.080.D** and paving requirements in subsection 18.4.3.080.E.1.

BC RR Zone. In addition to the standards in subsection 18.2.3.040.A, accessory residential units in the RR zone shall meet the following requirements **unless exempted in subsection 18.2.3.040.A, above.**

1. **If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.**
2. **The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.**
31. No on-street parking credits shall be allowed for accessory residential units.
42. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

CD R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

E. NN Zones. **Accessory residential units in the Normal Neighborhood District under Chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.B unless exempted in subsection 18.2.3.040.A, above.**

F. NM Zones. **Accessory residential units in the North Mountain Neighborhood NM zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.B unless exempted in subsection 18.2.3.040.A, above, except that the maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 750 square feet GHFA and that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.**

Commented [MH16]: Development in hillside lands (25% slope and over) is required to obtain a planning approval for a Physical Constraints Permit under chapter 18.3.10.

Commented [MH17]: Provides cross reference to Normal Neighborhood and North Mountain Neighborhood districts.

Section 18.2.3.160(B) is amended to read as follows:

- B. **Structures.** Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns, and other structures, shall be in compliance with **18.2.4.020** **subsection 18.2.5.040.D** this ordinance and with all applicable building codes.

Commented [MH18]: Corrected reference to setbacks for micro-livestock enclosure.

Section 18.3.4.040(C) is amended to read as follows:

C. General Use Regulations Allowed Uses. Uses and their accessory uses are permitted, special permitted or conditional uses in the Normal Neighborhood Plan area as listed in the Land Use Table.

- 1. Uses Allowed in Normal Neighborhood District.** Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.
 - a. Permitted Uses.** Uses listed as “Permitted (P)” are allowed.
 - b. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to chapter 18.2.3 Special Use Standards.
 - c. Conditional Uses.** Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
 - d. Prohibited Uses.** Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.
- 2. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.
- 3. Mixed-Use.** Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Commented [MH19]: Edited to provide consistency in use sections in special districts (i.e. Normal Neighborhood, North Mountain Neighborhood).

Table 18.3.4.040 Land Use Descriptions	NN-1-5 Single-Family Residential	NN-1-3.5 Suburban Residential	NN-1-3.5-C Suburban Residential with Commercial	NN-2 Multi-Family Low-Density Residential
Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone¹⁰				
Normal Neighborhood District Zones¹¹				
	NN-1-5	NN-1-3.5	NN-1-3.5-C	NN-2
A. Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040	P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing [Placeholder]	P	N	N	N
Clustered Residential Units	N	P	P	P
Attached Residential Unit	N	P	P	P
Multiple Dwelling Residential Unit (Multi family Dwelling)	N	P	P	P
Manufactured Home on Individual Lot	P	P	P	P
Manufactured Housing Development	N	P	P	P
B. Neighborhood Business and Service Uses				
Home Occupation	P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area	N	N	P	N
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

Commented [MH20]: Adds new exempt ARUs as permitted use in Normal Neighborhood District.

¹⁰ Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

¹¹ Zones: NN-1-5 = Single-Family Residential; NN-1-3.5 = Suburban Residential; NN-1-3.5-C = Suburban Residential with Commercial; MM-2 = Multi-Family Residential.

1. ~~Permitted Uses. Uses listed as “Permitted (P)” are allowed. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of Part 18.5. See section 18.5.1.020 Determination of Review Procedure.~~
2. ~~Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.~~
3. ~~Prohibited Uses. Uses not listed in the Land Use Table, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.~~

Section 18.3.4.060(B)(2) is amended to read as follows:

2. Cottage Housing. ~~[Reserved]~~Cottage Housing Developments in the Normal Neighborhood shall be developed in accordance with the standards in 18.2.3.090.

Section 18.3.5.050 is amended to read as follows:

18.3.5.050 Allowed Uses

A. Uses Allowed in North Mountain Neighborhood Zones. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.5.050 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. **Uses not listed in Table 18.2.2.030 and not found to be similar to an allowed use are prohibited.** All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

1. **Permitted Uses. Uses listed as “Permitted (P)” are allowed.**
2. **Permitted Subject to Special Use Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to subsection 18.3.5.050.D and chapter 18.2.3 Special Use Standards.**
3. **Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.**
4. **Prohibited Uses. Uses not listed in Table 18.3.5.050, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.**

CB Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone. **For regulations applying to the City’s overlays zones, please refer to part 18.3.**

Commented [MH21]: Edited to provide consistency in use sections in special districts (i.e. Normal Neighborhood, North Mountain Neighborhood).

C. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ¹²					
	North Mountain Neighborhood Zones ¹³				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
A. Residential					
Residential Uses, subject to density requirements in Table 18.3.5.050	P	P	P	P	N
Accessory Residential Units, see Sec. 18.2.3.040	P or S	P or S	N	P	N
Home Occupations	P	P	P	P	N
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S
Keeping of Micro-Livestock and Bees	S	S	S	N	S
Keeping of Livestock	N	N	N	N	N
Marijuana Cultivation, Homegrown	S	S	S	S	N
B. Public and Institutional Uses					
Community Services	N	S	N	S	P
Parks and Open Spaces	P	P	P	P	P
Public Parking Lots	N	N	N	CU	N
Religious Institution, Houses of Worship	N	N	N	S	N
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N
B. Commercial					
Neighborhood Clinics	N	N	N	S	N
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N
Offices, Professional	N	N	N	S	N
Temporary uses	N	N	N	CU	N
C. Industrial					
Manufacturing, Light	N	N	N	S	N

¹² Key: P = Permitted Uses; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

¹³ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

D. **Special Use Standards.** The uses listed as “Permitted with Special Use Standards (S)” in Table 18.3.5.050, above, are allowed provided they conform to the requirements of this section and the requirements of chapter 18.5.2 Site Design Review.

1. Accessory Residential Units. **Subject to the standards in section 18.2.3.040.**

- ~~a. Accessory residential units are not subject to the density requirements of the zone and are not included in the base density calculations.~~
- ~~b. One accessory residential unit is allowed per lot, and the maximum number of dwelling units must not exceed two per lot.~~
- ~~c. The proposal must comply with the lot coverage and setback requirements of the underlying zone.~~
- ~~d. The maximum gross habitable floor area (GHFA) of the accessory residential unit must not exceed 50 percent of the GHFA of the primary residence on the lot, and must not exceed 750 square feet GHFA, except that second story accessory residential units constructed above a detached accessory building must not exceed 500 square feet GHFA.~~
- ~~e. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040.~~

Commented [MH22]: Rather than repeat the special use standards in 18.2.3.040, provide a cross reference to that section.

- 2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden space.
- 3. Keeping of Micro-Livestock and Bees. Subject to the standards in section 18.2.3.160.
- 4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection 18.2.3.190.A.
- 5. Community Services.
 - a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
 - b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.
- 6. Manufacturing, Light.
 - a. The light manufacturing use shall occupy 600 square feet or less.
 - b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.
- 7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet of gross floor area.
- 10. Religious Institution, Houses of Worship. The same use cannot be located on a

contiguous property, and there must be no more than two such uses in a given zone.

11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a maximum of 3,500 square feet of gross floor area.

Section 18.3.9.050(A) is amended to read as follows:

- A. **Base Densities.** The density of the development shall not exceed the density established by this section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public. Fractional portions of the final answer, after bonus point calculations, shall not apply towards the total density.

Accessory residential units are not required to meet the density requirements of this chapter in accordance with section 18.2.3.040.

Commented [MH23]: Clarifies that ARUs are permitted in Performance Standard Subdivisions without being included in the density calculation and not requiring amendment to the previous subdivision approval.

Section 18.4.2.030(B) is amended to read as follows:

- B. **Applicability.** Except as otherwise required by an overlay zone or plan district, the following standards apply to residential development pursuant to section 18.5.2.020. See conceptual site plan of multi-family development in Figure 18.4.2.030.

1. Accessory Residential Units. Unless exempted from Site Design Review in 18.2.3.040.A, only the following standards in Chapter 18.4.2 apply to accessory residential units: building orientation requirements in 18.4.2.030.C, garage requirements in 18.4.2.030.D, and building materials in 18.4.2.030.E. If an accessory residential unit is located in the Historic District overlay, the standards in 18.4.2.050 also apply.

Commented [MH24]: Specifies the Building Placement, Orientation, and design standards in chapter 18.4.2 that are applicable to ARUs. Eliminates multi-family requirements for a landscape plan and installation, street trees and open space for ARUs.

Section 18.4.3.040 is amended to read as follows:

18.4.3.040 Parking Ratios

Except as provided by section 18.4.3.030, the standard ratios required for automobile parking are as follows. See also, accessible parking space requirements in section 18.4.3.050.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Residential Categories	
Single-Family Dwellings	2 spaces for the primary dwelling unit and the following for accessory residential units attached dwelling units

Commented [MH25]: The fractional standards have been historically used for townhome developments (attached dwelling on an individual lot).

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Accessory Residential Units	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit, except as exempted in subsection 18.2.3.040.A. b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. -- 2.00 spaces/unit.
Multi-family Dwellings	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit.
Cottage Housing	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 square feet sq. ft. and less than 1000 square feet sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 square feet sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot is same as Single Family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
Commercial Categories	
Auto, boat or trailer sales, retail nurseries and other open-space uses	1 space per 1,000 square feet sq. ft. of the first 10,000 square feet sq. ft. of gross land area; plus 1 space per 5,000 square feet sq. ft. for the excess over 10,000 square feet sq. ft. of gross land area; and 1 space per 2 employees.
Bowling Alleys	3 spaces per alley, plus 1 space for auxiliary activities set forth in this section.
Chapels and Mortuaries	1 space per 4 fixed seats in the main chapel.
Hotels	1 space per guest room, plus 1 space for the owner or manager; see also, requirements for associated uses, such as restaurants, entertainments uses, drinking establishments, assembly facilities.
Offices	General Office: 1 space per 500 sq. ft. floor area. Medical/Dental Office: 1 space per 350 sq. ft. floor area.

Commented [MH26]: ARUs that require a planning approval (those that are not exempt) can provide one off-street space for units up to 800 sq. ft. in size -- previously one off-street space was required for units up to 500 sq. ft. in size. One off-street parking space per 800 sq. ft. unit is used for cottage housing.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Parking per Land Use (Based on Gross Floor Area; fractions are rounded to whole number.)
Restaurants, Bars, Ice Cream Parlors, Similar Uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross floor area, whichever is less.
Retail Sales and Services	General: 1 space per 350 sq. ft. floor area. Furniture and Appliances: 1 space per 750 sq. ft. floor area.
Skating Rinks	1 space per 350 sq. ft. of gross floor area.
Theaters, Auditoriums, Stadiums, Gymnasiums and Similar Uses	1 space per 4 seats.
Travelers' Accommodations	1 space per guest room, plus 2 spaces for the owner or manager.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses. Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

Section 18.4.3.060 is amended to read as follows:

18.4.3.060 Parking Management Strategies

Except for single-family dwellings, the off-street parking spaces may be reduced through the application of the following credits. The total maximum reduction in off-street parking spaces is 50 percent, except as allowed for Off-Site Shared Parking credits in subsection 18.4.3.060.E, below. The approval authority shall have the discretion to adjust the proposed off-street parking reduction based upon site specific evidence and testimony, and may require a parking analysis prepared by a qualified professional. See 18.4.3.030.A.3 for parking analysis requirements.

Commented [MH27]: To address issue that was raised in Planning Commission review of the planning application at 165 Water St.

Section 18.4.3.080(D) and (E) are amended to read as follows:

D. Driveways and Turn-Around Design. Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060. **Accessory residential units are exempt from the requirements of this subsection.**
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width. **Accessory residential units are exempt from the requirements of this subsection.**
3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.
6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.

Commented [MH28]: Language added so ARUs will not trigger driveway width upgrades.

8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

E. Parking and Access Construction. The development and maintenance as provided below, shall apply in all cases, except single-family dwellings **and accessory residential units**.

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges
 - a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.
 - b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-

Commented [MH29]: Language added so ARUs will not trigger the paving of driveway and parking spaces.

obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.

- i. The fence, wall or hedge shall be placed on the property line and shall be between five feet and six feet in height as measured from the high grade side of the property line, except that the height shall be reduced to 30 inches within a required setback area and within ten feet of a street property line.
 - ii. Screen plantings shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. Adequate provisions shall be made to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to meet the vision clearance area requirements in section 18.2.4.040.
 - v. The fence, wall, or hedge shall be maintained in good condition.
7. **Landscaping.** In all zones, all parking facilities shall include landscaping to cover not less than seven percent of the area devoted to outdoor parking facilities, including the landscaping required in subsection 18.4.3.080.E.6, above. Said landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required.
8. **Lighting.** Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.

Section 18.5.2.020(B) and (C) are amended to read as follows:

B. Residential Uses. Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.

1. Two or more dwelling units **on a lot in any zoning district, including the addition of an accessory residential unit, on a lot in any zoning district unless exempt from Site Design Review per subsection 18.2.3.040.A.**
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.

Commented [MH30]: Clarifies that new exempt ARUs are not subject to Site Design Review.

6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review, ~~but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.~~

1. Detached single-family dwellings and associated accessory structures and uses, ~~except that accessory residential units require Site Design Review pursuant to section 18.2.3.040.~~

2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.

- ~~32.~~ Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.

~~43.~~ The following mechanical equipment.

- a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
- b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
- c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
- d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

Section 18.6.1.030 is amended to read as follows:

Accessory Use. A use or activity that is subordinate to a primary use and that is clearly incidental to the primary use on a site. See also, definition of Primary Use.

Commented [MH31]: The definition of “Accessory Use” was inadvertently deleted from the code in 2015.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. For the purposes of this ordinance, the following types of dwelling units are defined:

- Accessory Residential Unit. A secondary dwelling unit on a lot where the primary use is a single-family dwelling, either attached to a single-family dwelling, **within a portion of an existing single-family dwelling (i.e. conversion of gross floor area within the primary residence)**, or in a detached building located on the same lot, and having an independent means of access (i.e., door).
- Duplex Dwelling. A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling.
- Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- Multifamily Dwelling. A dwelling in a structure or grouping of structures containing two or more dwelling units located on one lot.
- Senior Housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.
- Single-Family Dwelling. A detached or attached structure containing one dwelling unit located on its own lot.

Commented [MH32]: To provide clarification that existing floor area in a home can be an ARU.

Parking Area or Lot. Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures, except that parking spaces serving a single-family home or accessory residential units are not considered a parking area or lot.

- **Private Parking Area or Lot. A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.**

- **Public Parking Area or Lot. A parking area available to the public, with or without payment of a fee.**

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. **See also, definition of Accessory Use.**

Retail Sales and Services. Retail sales and service uses sell, lease, or rent new or used products, goods, or services. **They include services such as a beauty salon, barber, repair service, and similar uses.**

Commented [MH33]: Added for two reasons – 1. public park is a use listed in the allowed uses table for the base zone and 2. To clarify that parking in single-family zones for homes and ARUs are not considered a “Parking area or lot.”

Commented [MH34]: Provide cross reference.

Commented [MH35]: To give examples of services.

**GUIDANCE ON IMPLEMENTING
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT
UNDER OREGON SENATE BILL 1051**



*M. Keplinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018



Oregon Department of
Land Conservation
and Development

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon’s population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, “remove barriers to development.” Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017.

Among the provisions of SB 1051 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, “accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs)¹ starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon’s cities, are not “reasonable.” The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

¹ The passage of HB 4031 in 2018 limited the siting of ADUs within UGBs.

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement SB 1051 in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

SB 1051 requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____,] and shall conform to all of the following standards:

[A. One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

A. Two Units. *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

ATTN: LEGAL PUBLICATIONS (NICK)

PUBLIC HEARING NOTICE

On **April 24, 2018**, the Ashland Planning Commission will hold a public hearing regarding proposed land use ordinance amendments to Title 18 Land Use in the Ashland Municipal Code for accessory residential units (ARU). The revisions to the ARU standards allow units less than 500 square feet in size that are within or attached to the primary residence as an outright permitted use in the Single-Family Residential (R-1), Suburban Residential (R-1-3.5), Normal Neighborhood district (NN) and North Mountain Neighborhood (NM) zones. The Planning Commission will review the ordinance amendments and make recommendations to the Ashland City Council. The public hearing will be held at 7:00 p.m. at the Ashland Civic Center Council Chambers located at 1175 E. Main St., Ashland, OR.

The proposed ordinance amendments are available for review online at www.ashland.or.us/draftordinances, and at the City of Ashland Department of Community Development located at 51 Winburn Way, Ashland, OR between 8:30 a.m. and 4:30 p.m. Copies of the ordinance and file information are available for purchase if requested. For additional information concerning these ordinance amendments, call the Ashland Planning Division at 541-488-5305.

Oral and written public testimony, regarding this matter will be accepted at the public hearing before the Planning Commission on April 24, 2018. Written statements are encouraged and may be submitted prior to the hearing dates. Mail written comments to Maria Harris, Planning Manager, City of Ashland Department of Community Development, 20 E. Main St., Ashland OR 97520, via FAX at 541-552-2050, or via E-mail at maria.harris@ashland.or.us. Failure to raise an issue in person or in writing prior to the close of the public hearing with sufficient specificity to provide the reviewing bodies opportunity to respond to the issue may preclude your opportunity for appeal on that issue.

By the order of Bill Molnar, Community Development Director

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Publish: Saturday April 14, 2018

E-mailed: _____

Purchase Order: # _____