

Council Business Meeting

November 7, 2017

Title: Cottage Housing Ordinance Public Hearing
From: Brandon Goldman Senior Planner
Brandon.Goldman@ashland.or.us

Summary:

A draft ordinance relating to the development of cottage housing within single family residential zones is attached. This ordinance creates the opportunity for small cottage housing developments on vacant and under developed properties within residential zones.

Actions, Options, or Potential Motions:

I move approval of first reading by title only of an ordinance titled, “An ordinance amending chapters 18.2.2.030, 18.2.3.090, 18.2.5.030, 18.3.4.040, 18.3.5.050, 18.3.9, 18.4.3.040, 18.4.8, and 18.5.2.050 of the Ashland Land Use Ordinance to establish standards for cottage housing developments within R-1-5, R-1-7.5, and NN-1-5 single family residential zones ”, and move to second reading.

Staff Recommendation:

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

Resource Requirements:

There is no direct cost to the City relating to the adoption of Cottage Housing Standards into the Land Use Ordinance.

Policies, Plans and Goals Supported:

The City Council’s “Ashland 2020” goals and objectives that are supported by the proposed cottage housing ordinance include.

- *Support and promote, through policy, programs that make the City affordable to live in. Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing. (high priority for 2015-2017)*
- *Support land-use plans and policies that encourage family-friendly neighborhoods. Draft pocket neighborhood code that allows for the construction of small scale, cottage housing projects.*

The Ashland Comprehensive Plan includes the following performance indicators in the Regional Plan Element that are supported by the proposed cottage housing ordinance.

- *Reach density of 6.6 dwelling units per acre for land in the UGB that is annexed or offset by increasing the residential density in the city limits.*
- *Achieve targets for dwelling units and employment in mixed-use/pedestrian-friendly areas.*
- *Participate in a regional housing strategy that strongly encourages a range of housing types.*

The Ashland Comprehensive Plan's Housing Element includes the following goal that is supported by the proposed cottage housing ordinance.

- *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 Ashland Comprehensive Plan's Parks, Open Space, and Aesthetics Element includes the following goal that is supported by the proposed cottage housing ordinance.

- *Encourage the development of private common open space area in new residential developments to offset the demand for additional public parks. (Parks, Open Space, and Aesthetics Element)*

The Ashland Comprehensive Plan's Transportation Element includes the following goal that is supported by the proposed cottage housing ordinance.

- *Maintain and improve Ashland's compact urban form to allow maximum pedestrian and bicycle travel.*

Background and Additional Information:

Cottage housing developments are a group of small homes oriented around an open space that are pedestrian-oriented with enhanced landscape design, and reduced visibility of off-street parking by providing a consolidated parking area. Cottage housing is considered an innovative housing type that provides opportunities for creative, diverse, and high quality infill development that preserves the scale and character of existing single-family neighborhoods. Cottage housing offers a choice for those needing moderately priced home ownership opportunities within units that are of a size and function suitable for a single person or small families. Cottage housing is generally considered more affordable because of substantially smaller unit and lot sizes.

The Cottage Housing Ordinance as presented includes the following provisions:

- Cottage Housing Development would be permitted on R-1-5, R-1-7.5, and NN-1-5 zoned properties.
- A minimum of 3, and a maximum of 12, cottages could be provided in a cottage housing development depending on lot size. .
- Cottages shall be no larger than 1000sq.ft., and at least 75% of the cottages shall be less than 800sq.ft.
- A floor area ratio (FAR) of 0.35 is required for the entire development, with exemptions for common buildings, to ensure the total volume of buildings on site are comparable to that of average single family home developments.
- A maximum building height of 18' with a ridgeline no greater than 25' above grade.
- Lot coverage remains consistent with the underlying zone; 50% for R-1-5 zone and 45% for R-1-7.5. However, the draft includes an allowance for an additional 10% of lot coverage for the use of pervious materials.
- Setbacks have been reduced to 6 ft. between cottages, with the exception that setbacks along the perimeter of the development must meet the existing requirements of the zone.

- There is a 20% common open space requirement but to provide flexibility the ordinance allows for the open space to be divided into multiple open spaces provided they are interconnected and accessible to all residents of the development.
- Specific cottage housing design requirements (roof pitch, gables, etc.) have been removed from the draft ordinance, however the draft requires that such developments be subject to the existing Site Design Standards which will provide for orientation toward the street and pedestrian connections to the neighborhood.
- To address the issue of preserving solar access on a site of concentrated small detached homes, the draft ordinance stipulates that shadows cast from structures within the development could not cast shadows upon the roof of another cottage.
- The parking requirements for cottage housing developments as follows:
 - Units less than 800 sq. ft. - 1 space/unit.
 - Units greater than 800 square feet and less than 1000 square feet -1.5 spaces/unit.
 - Units greater than 1000 square feet - 2.00 spaces/unit.
 - Retirement complexes for seniors 55-years or greater - One space per unit.

Cottage housing developments would be subject to subdivision and site review approval through the Type II planning application process. Property owners within 200’ of a cottage housing development proposal would be notified of an application and citizens would have an opportunity to provide comments based upon applicable approval standards before the Planning Commission through the formal public hearing process.

Public Meetings

The City Council held a study session on the proposed amendments on September 19, 2017.

During the development of the ordinance the Housing and Human Services Commission reviewed an early draft on January 26, 2017, and reviewed the final draft on September 28, 2017. The Housing Commission noted that their initial concerns relating to reducing setbacks between cottages, elimination of prescriptive design requirements, and provision of open space had been addressed in the final draft as proposed. As the Housing and Human Services Commission’s review was not a public hearing they did not provide a formal recommendation to the City Council.

The Planning Commission held seven study sessions (8/25/2015, 4/26/2016, 7/26/2016, 8/23/2016, 1/10/2017, 2/28/2017, 7/25/2017, 8/22/2017) during the development of the ordinance, making numerous revisions and refinements. The Commission held a public hearing on the proposed ordinance on September 26, 2017. During deliberation at the public hearing the Planning Commission recommended the ordinance be amended to clarify that only homes that were built prior to the effective date of the ordinance should be considered non-conforming dwellings for the purposes of this ordinance, and that specific non-habitable spaces within such pre-existing homes (ie basements, garages, attics) should be exempt from the maximum floor area requirements of the proposed ordinance. Lastly the Commission requested the ordinance language clarify that a single car garage could be attached to a single cottage. These amendments have all been incorporated into the draft ordinance that is being presented to the Council at first reading. The Planning Commission was unanimous in their recommendation that the City Council approve the cottage housing ordinance.

Attachments:

1. Proposed Land Use Ordinance Amendments
2. Staff Report For Planning Action 2017-01421

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 18.2.2.030, 18.2.3.090, 18.2.5.030, 18.3.4.040, 18.3.5.050, 18.3.9, 18.4.3.040, 18.4.8, AND 18.5.2.050 OF THE ASHLAND LAND USE ORDINANCE TO ESTABLISH STANDARDS FOR COTTAGE HOUSING DEVELOPMENTS WITHIN R-1-5, R-1-7.5, AND NN-1-5 SINGLE FAMILY RESIDENTIAL ZONES

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

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 City of Ashland reaffirmed the long-standing policy of accommodating growth within the Ashland Urban Growth Boundary rather than growing outward into surrounding farm and forest lands in the Greater Bear Creek Valley Regional Problem Solving (RPS) planning process; and

WHEREAS, the City of Ashland seeks to balance projected population growth with the community goal of preventing sprawling development, and to this end examines opportunities to use land more efficiently for housing; and

WHEREAS, the City Council has determined that the establishment of rules and regulations to incentivize the development of small cottage housing units within residential neighborhoods is a legitimate and beneficial goal; and

WHEREAS, the City Council has determined that this Ordinance provides adequate development standards to ensure cottage housing developments are compatible with single family neighborhoods; and

WHEREAS, the Planning Commission of the City of Ashland conducted on September 26, 2017 a duly advertised public hearing on amendments to the Ashland Municipal Code and Land Use Ordinances concerning cottage housing development standards; 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. Chapter 18.2.2 [Base Zones and Allowed Uses] of the Ashland Land Use Ordinance, Table 18.2.2.030.B [Residential Uses] is hereby amended as follows:

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 Uses¹										
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	S	S	S	S	S	N	N	N	N	Sec. 18.2.3.040 Sec. 18.2.3.110 Duplex Dwelling Sec. 18.2.3.170 and not allowed in Historic District Overlay
Duplex Dwelling	S	P	P	P	N	N	S	S	N	
Manufactured Home on Individual Lot	S	S	S	S	N	N	N	N	N	
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

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
										District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
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

SECTION 2. Chapter 18.2.3.090 [Cottage Housing] of the Ashland Land Use Ordinance is hereby amended as follows:

18.2.3.090 Cottage Housing

A. Purpose and Intent.

The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single family dwellings for a population diverse in age, income, and household size. Where cottage housing developments are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

B. Exceptions and Variances. Requests to depart from the requirements of this chapter are subject to the approval criteria under section 18.5.2.050.E Exception to the Site Development and Design Standards.

C. Development Standards

Cottage housing developments shall meet all of the following requirements.

- 1. Cottage Housing Density the permitted number of units and minimum lot areas shall be as follows:**

Table 18.2.3.090.C.1 Cottage Housing Development Density					
<u>Zones</u>	<u>Maximum Cottage Density</u>	<u>Minimum number of cottages per cottage housing development</u>	<u>Maximum number of cottages per cottage housing development</u>	<u>Minimum lot size (accommodates minimum number of cottages)</u>	<u>Maximum Floor Area Ratio (FAR)</u>
<u>R-1-5, NN-1-5</u>	<u>1 cottage dwelling unit per 2,500 square feet of lot area</u>	<u>3</u>	<u>12</u>	<u>7,500 sq.ft.</u>	<u>0.35</u>

<u>R-1-7.5</u>	<u>1 cottage dwelling unit per 3,750 square feet of lot area</u>	<u>3</u>	<u>12</u>	<u>11,250 sq.ft.</u>	<u>0.35</u>
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2. Building and Site Design.

a. Maximum Floor Area Ratio: The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.

b. Maximum Floor Area. The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.

c. Height. Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.

d. Lot Coverage. Lot coverage shall meet the requirements of the underlying zone-outlined in Table 18.2.5.030.A.

e. Building Separation. A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.

f. Fences. Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.

3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:

a. Public Street Dedications. Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.

- b. Driveways and parking areas. Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.
 - i. Parking shall meet the minimum parking ratios per 18.4.3.040.
 - ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.
 - iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.

4. Open Space. Open space shall meet all of the following standards.

- a. A minimum of 20 percent of the total lot area is required as open space.
- b. Open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.
- c. Shall consist of a central space, or series of interconnected spaces.
- d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the open space requirement.
- e. At least 50 percent of the cottage units shall abut an open space.
- f. The open space shall be distinguished from the private outdoor areas with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.
- g. Parking areas and driveways do not qualify as open space.

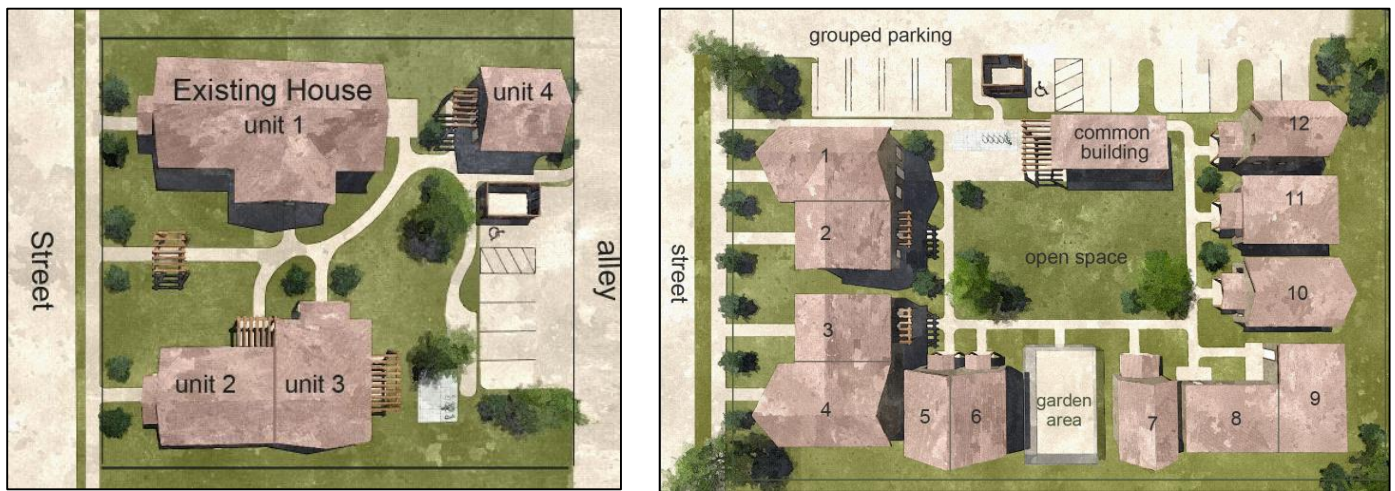


Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. Private Outdoor Area. Each residential unit in a cottage housing development shall have a private outdoor area. Private outdoor areas shall be separate from the open space to create a sense of separate ownership.

a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area. Private outdoor areas may include gardening areas, patios, or porches.

b. No dimension of the private outdoor area shall be less than 8 feet.

6. Common Buildings, Existing Nonconforming Structures and Accessory Residential Units.

a. Common Buildings. Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.

b. Carports and garage structures. Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.

c. Nonconforming Dwelling Units. An existing single-family residential structure built prior to the effective date of this ordinance (date), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.

d. Accessory Residential Units. New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.

7. Storm Water and Low-Impact Development.

a. Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.

b. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.

c. Cottages shall be located to maximize the infiltration of storm water run-off. In

this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as reasonably possible when considering all standards in this chapter.

8. Restrictions.

a. The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

SECTION 3. Chapter 18.2.5.030 [Unified Standards for Residential Zones] of the Ashland Land Use Ordinance, Table 18.2.5.030.A [Standards for Urban Residential Zones] is hereby amended as follows:

18.2.5.030 Unified Standards for Residential Zones

A. Standards for Urban Residential Zones. Table 18.2.5.030.A contains standards for the R-1, R-1-3.5, R-2, and R-3 zones. Standards for the RR and WR zones are contained in subsections 18.2.5.030.B and 18.2.5.030.C.

Table 18.2.5.030.A – Standards for Urban Residential Zones² (Except as modified under chapter 18.5.5 Variances or chapter 18.3.9 Performance Standards Option.)						
Standard	R-1				R-2	R-3
	R-1-10	R-1-7.5	R-1-5	R-1-3.5		
Lot Coverage – Maximum ^{10,11} (% of lot area)	40%	45%	50%	55%	65%	75%
¹⁰ A total area up to 200 sf or 5% of the permitted lot coverage, whichever is less, may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas. ¹¹ <u>Within Cottage Housing Developments up to 10% of the permitted lot coverage may be developed in an approved, porous solid surface that allows storm water infiltration, and is exempt from the lot coverage maximum.</u>						

SECTION 4. Chapter 18.3.4.040 [Normal Neighborhood District; Use Regulations] of the Ashland Land Use Ordinance is hereby amended as follows:

18.3.4.040 Use Regulations

A. Plan overlay zones. There are four Land Use Designation Overlays zones within the Normal Neighborhood Plan are intended to accommodate a variety of housing opportunities, preserve natural areas and provide open space.

1. Plan NN-1-5 zone The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed, in addition to the detached single dwelling. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.

2. Plan NN-1-3.5 zone. The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed including multiple compact attached and/or detached dwellings. Dwellings may be grouped around common open space promoting a scale and character compatible with single family homes. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.

3. Plan NN-1-3.5-C zone. The use regulations and development standards are intended to provide housing opportunities for individual households through development of multiple compact attached and/or detached dwellings with the added allowance for neighborhood-serving commercial mixed-uses so that many of the activities of daily living can occur within the Normal Neighborhood. The public streets within the vicinity of the NN-1-3.5-C overlay are to provide sufficient on-street parking to accommodate ground floor neighborhood business uses.

4. Plan NN-2 zone. The use regulations and development standards are intended to create and maintain a range of housing choices, including multi-family housing within the context of the residential character of the Normal-Neighborhood Plan.

B. Normal Neighborhood Plan Residential Building Types. The development standards for the Normal Neighborhood Plan will preserve neighborhood character by incorporating four distinct land use overlay areas with different concentrations of varying housing types.

1. Single Dwelling Residential Unit.

A Single Dwelling Residential Unit is a detached residential building that contains a single dwelling with self-contained living facilities on one lot. It is separated from adjacent dwellings by private open space in the form of side yards and backyards, and set back from the public street or common green by a front yard. Auto parking is generally on the same lot in a garage, carport, or uncovered area. The garage may be detached or attached to the dwelling structure.

2. Accessory Residential Unit.

An Accessory Residential Unit is a secondary dwelling unit on a lot, either attached to the single-family dwelling or in a detached building located on the same lot with a single-family dwelling, and having an independent means of entry.

3. Double Dwelling Residential Unit (Duplex).

A Double Dwelling Residential Unit is a residential building that contains two dwellings located on a single lot, each with self-contained living facilities. Double Dwelling Residential Units must share a common wall or a common floor/ ceiling and are similar to a Single Dwelling Unit in appearance, height, massing and lot placement.

4. Attached Residential Unit. (Townhome, Row house)

An Attached Residential Unit is single dwelling located on an individual lot which is attached along one or both sidewalls to an adjacent dwelling unit. Private open space may take the form of front yards, backyards, or upper level terraces. The dwelling unit may be set back from the public street or common green by a front yard.

5. Clustered Residential Units - Pedestrian-Oriented.

Pedestrian-Oriented Clustered Residential Units are multiple dwellings grouped around common open space that promote a scale and character compatible with single family homes. Units are typically arranged around a central common green under communal ownership. Auto parking is generally grouped in a shared surface area or areas.

6. Multiple Dwelling Residential Unit.

Multiple Dwelling Residential Units are multiple dwellings that occupy a single building or multiple buildings on a single lot. Dwellings may take the form of condominiums or apartments. Auto parking is generally provided in a shared parking area or structured parking facility.

7. Cottage Housing. ~~[Reserved]~~

Cottage Housing Units are small dwellings in developments approved in accordance with the standards in 18.2.3.090.

C. General Use Regulations: 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.

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
Residential Uses				
Single Dwelling Residential Unit (Single-Family Dwelling)	P	P	N	N

Accessory Residential Unit	P	P	P	N
Double Dwelling Residential Unit (Duplex Dwelling)	N	P	P	P
Cottage Housing [Placeholder] subject to the requirements of 18.2.3.090	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
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
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	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
Public and Institutional 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

P = Permitted Use; CU = Conditional Use Permit Required; N = Not Allowed

- 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 5. Chapter 18.3.5.050 [North Mountain Neighborhood District; 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.

C. B 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 Zone³					
	North Mountain Neighborhood Zones ⁴				
	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	S	S	N	P	N
<u>Cottage Housing</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
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

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

⁴ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ³					
	North Mountain Neighborhood Zones ⁴				
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic
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

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.
 - 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

12: Cottage Housing. Subject to the standards in section 18.2.3.090.

SECTION 6. Chapter 18.3.9 [Performance Standards Option and PSO Overlay], sub-sections 18.3.9.030 [PSO-Overlay], 18.3.9.050 [Performance Standards for Residential Developments], 18.3.9.060 [Parking Standards], and 18.3.9.070 [Setbacks] of the Ashland Land Use Ordinance are hereby amended as follows:

18.3.9.030 PSO-Overlay

- A. Purpose.** The purpose of the PSO overlay is to distinguish between those areas that have been largely developed under the subdivision code, and those areas, which, due to the undeveloped nature of the property, sloping topography, or the existence of vegetation or natural hazards, are more suitable for development under Performance Standards.
- B. Applicability.** This chapter applies to properties located in the Performance Standards Option Overlay (PSO) as depicted on the Zoning Map. All developments in the PSO overlay, other than partitions and development of individual dwelling units, shall be processed under this chapter. The minimum number of dwelling units for a Performance Standards Subdivision within residential zoning districts is three.
- C. Permitted Uses.** In a PSO overlay, the granting of the application shall be considered an outright permitted use, subject to review by the Planning Commission for compliance with the standards set forth in this ordinance and the guidelines adopted by the City Council.

D. Development Outside PSO-overlay. If a parcel is not in a PSO overlay, then development under this chapter may only be approved if one or more of the following conditions exist.

1. The parcel is larger than two acres and is greater than 200 feet in average width.
2. That development under this chapter is necessary to protect the environment and the neighborhood from degradation which would occur from development to the maximum density allowed under subdivision standards, or would be equal in its aesthetic and environmental impact.
3. The property is zoned R-2, R-3 or CM.
4. **The property is developed as a cottage housing development consistent with the standards in section 18.2.3.090**

18.3.9.040 [unchanged]

18.3.9.050 Performance Standards for Residential Developments

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.

1. The base density, for purposes of determining density bonuses allowed under this section, **for developments other than cottage housing**, is as provided in Table 18.3.9.050.

Table 18.3.9.050.A.1. Base Densities for Determining Allowable Density Bonus with Performance Standards Option	
Zone	Allowable Density (dwelling units per acre)
WR-2	0.30 du/acre
WR-2.5	0.24 du/acre
WR-5	0.12 du/acre
WR-10	0.06 du/acre
WR-20	0.03 du/acre
RR-1	0.60 du/acre
RR-.5	1.2 du/acre
R-1-10	2.40 du/acre
R-1-7.5	3.60 du/acre
R-1-5	4.50 du/acre
R-1-3.5	7.2 du/acre
R-2	13.5 du/acre
R-3	20 du/acre

2. **The base density for cottage housing developments, for purposes of determining density bonuses, allowed under this section is as provided in Table 18.3.9.050.A.2**

Table 18.3.9.050.A.2 Base Densities for Determining Allowable Density Bonus with Performance Standards Option					
<u>Zones</u>	<u>Maximum Cottage Density</u>	<u>Minimum number of cottages per cottage housing development</u>	<u>Maximum number of cottages per cottage housing development</u>	<u>Minimum lot size (accommodates minimum number of cottages)</u>	<u>Maximum Floor Area Ratio (FAR)</u>
<u>R-1-5, NN-1-5</u>	<u>1 cottage dwelling unit per 2,500 square feet of lot area</u>	<u>3</u>	<u>12</u>	<u>7,500 sq.ft.</u>	<u>0.35</u>
<u>R-1-7.5</u>	<u>1 cottage dwelling unit per 3,750 square feet of lot area</u>	<u>3</u>	<u>12</u>	<u>11,250 sq.ft.</u>	<u>0.35</u>

3. **Open Space Required.** All developments with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space areas in excess of the five percent required by this subsection.

B. ***Density Bonus Point Calculations.*** The permitted base density shall be increased by the percentage gained through bonus points. In no case shall the density exceed that allowed under the Comprehensive Plan. The maximum density bonus permitted shall be 60 percent (base density x 1.6), pursuant to the following criteria.

1. **Conservation Housing.** A maximum 15 percent bonus is allowed. One-hundred percent of the homes or residential units approved for development, after bonus point calculations, shall meet the minimum requirements for certification as a Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-06.
2. **Provision of Common Open Space.** A maximum ten percent bonus is allowed, pursuant to the following.
 - a. ***Purpose.*** Common open spaces may be provided in the form of natural areas, wetlands, playgrounds, active or passive recreational areas, and similar areas in common ownership. All areas set aside for common open space may be counted for base density, unless otherwise excluded by subsection 18.3.9.050.A.2. However, for the purposes of awarding density bonus points, the Planning Commission shall consider whether or not the common open space is a significant amenity to project residents, and whether project residents will realistically interact with the open space on a day-to-day basis. The purpose of the density bonus for common open space is to permit areas, which could otherwise be developed, or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces

that have no realistic use by project residents on a day-to-day basis. **Open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.**

- b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space.
3. **Provision of Major Recreational Facilities.** A maximum ten percent bonus is allowed, pursuant to the following.
 - a. *Purpose.* Points may be awarded for the provision of major recreational facilities such as tennis courts, swimming pools, playgrounds, or similar facilities.
 - b. *Standard.* For each percent of total project cost devoted to recreational facilities, a six percent density bonus may be awarded up to a maximum of ten percent bonus. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.

c. Major recreational facilities provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, are not eligible for density bonus points.

4. **Affordable Housing.** A maximum bonus of 35 percent is allowed. Developments shall receive a density bonus of two units for each affordable housing unit provided. Affordable housing bonus shall be for residential units that are guaranteed affordable in accordance with the standards of section 18.2.5.050 Affordable Housing Standards.

18.3.9.060 Parking Standards

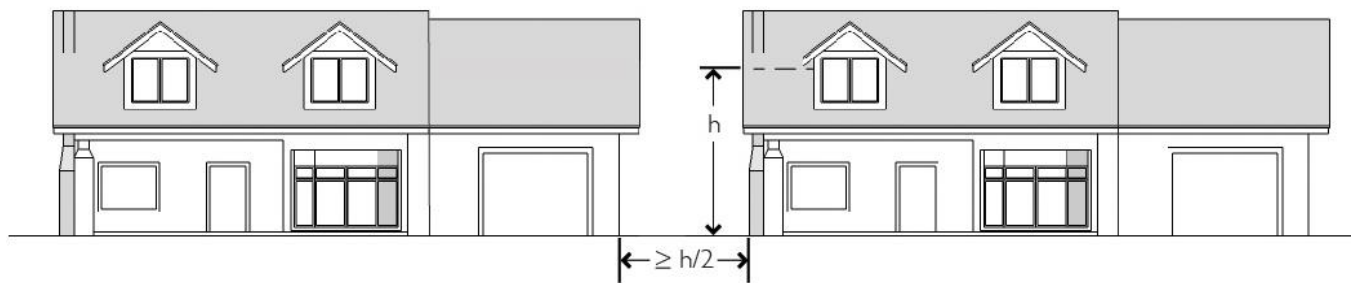
All development under this chapter shall conform to the following parking standards, which are in addition to the requirements of chapter 18.4.3 Parking, Access, and Circulation.

- A. *On-Street Parking Required.* At least one on-street parking space per dwelling unit shall be provided, in addition to the off-street parking requirements for all developments in an R-1 zone, **with the exception of cottage housing developments,** and for all developments in R-2 and R-3 zones that create or improve public streets.
- B. *On-Street Parking Standards.* On-street parking spaces shall be immediately adjacent to the public right-of-way on publicly or association-owned land and be directly accessible from public right-of-way streets. On-street parking spaces shall be located within 200 feet of the dwelling that it is intended to serve. In addition, on-street public parking may be provided pursuant to minimum criteria established under subsection 18.4.3.060.A.
- C. *Signing of Streets.* The installation of “No Parking” signs regulating parking in the public right-of-way and any other signs related to the regulation of on-street parking shall be consistent with the Street Standards in 18.4.6.030, and shall be consistent with the respective City planning approval.

18.3.9.070 Setbacks

All development under this chapter shall conform to the following setback standards, which are in addition to the requirements of the applicable zone.

- A. **Front Yard Setback.** Front yard setbacks shall follow the requirements of the underlying district.
- B. **Building Separation.** The minimum separation between two buildings must be half of the height of the tallest building, where building height is measured at the two closest exterior walls, and the maximum required separation is 12 feet. See Figure 18.3.9.070.B. **For cottage housing developments, the minimum separation between two buildings shall be reduced to six feet in accordance with section 18.2.3.090.** See also, definitions of height of building or structure¹ and grade or ground level in part 18.6. This standard does not apply to non-residential zoning districts including C-1, C-1-D, E-1, CM, and M-1.



Note: Maximum required building separation is 12 feet.

Figure 18.3.9.070.B
Building Separation

- C. **Solar Setback.** Solar setbacks shall meet the requirements of 18.4.8.
- D. **Perimeter Setback.** Setbacks along the perimeter of the development shall have the same setbacks as required in the parent zone.
- E. **Building Envelope for Single-Family Structure.** Any single-family structure not shown on the plan must meet the setback requirements established in the building envelope on the Outline Plan.

SECTION 7. Chapter 18.4.3 [Parking, Access and Circulation] of the Ashland Land Use Ordinance, Table 18.4.3.040 [Parking Ratios; Automobile Parking Spaces by Use] 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	
Single Family Dwelling	2 spaces for the primary dwelling unit and the following for accessory residential units. 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.
Multifamily	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.
<u>Cottage Housing</u>	<u>a. Units less than 800 sq. ft. -- 1 space/unit.</u> <u>b. Units greater than 800 square feet and less than 1000 square feet -- 1.5 spaces/unit.</u> <u>c. Units greater than 1000 square feet -- 2.00 spaces/unit.</u> <u>d. Retirement complexes for seniors 55-years or greater -- One space per unit.</u>
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.

SECTION 8. Chapter 18.4.8 [Solar Access], sub-sections 18.4.8.020 [Applicability] and 18.4.8.030 [Solar Setbacks], of the Ashland Land Use Ordinance, are hereby amended as follows

18.4.8.020 Applicability

A. Lot Classifications. All lots shall meet the provisions of this section and will be classified according to the following formulas and table.

1. Standard A Lots. Lots with a north-south lot dimension exceeding that calculated by Formula I and zoned for residential uses shall be required to meet setback standard A in 18.4.8.030.A. See definition of north-south lot dimension in part 18.6.

Minimum N/S lot dimension for Formula I = $\frac{30'}{0.445 + S}$

Where: S is the decimal value of slope, as defined in part 18.6.

2. Standard B Lots. Those lots with a north-south lot dimension that is less than that calculated by Formula I but greater than that calculated by Formula II, any lot zoned C-1, E-1, or M-1 and not exempt by 18.4.8.020.B, or an lot not abutting a residential zone to the north, shall be required to meet setback standard B in 18.4.8.030.B. See definition of north-south lot dimension in part 18.6.

Minimum N/S lot dimension for Formula II = $\frac{10'}{0.445 + S}$

3. Standard C Lots. Those lots with a north-south lot dimension that is less than that calculated by Formula II shall be required to meet setback standard C in 18.4.8.030.C. See definition of north-south lot dimension in part 18.6.

Table 18.4.8.020.A: Lot Classification Standards

Slope	-.30	-.25	-.20	-.15	-.10	-.05	0.0	.05	.10	.15	.20
STD A	207	154	122	102	87	76	67	61	55	50	46
STD B	69	51	41	34	29	25	22	20	18	17	15

B. Exemptions.

1. Architectural Projections. Rooftop architectural features a maximum of four feet in width, such as chimneys and vent pipes, and light poles and flag poles shall be exempt from the setback standards in section 18.4.8.030.
2. Steep Slopes. Any lot with a slope of greater than 30 percent in a northerly direction, as defined by this ordinance, shall be exempt from the setback standards in section 18.4.8.030.
3. Zones. Any lot in the C-1-D, CM, and NM-C zones, and properties in the C-1 zone not abutting a residential zone, shall be exempt from the setback standards in section 18.4.8.030.
4. Existing Shade Conditions. If an existing structure or topographical feature casts a shadow at the northern lot line at noon on December 21, that is greater than the shadow allowed by the requirements of this section, a structure on that lot may cast a shadow at noon on December 21, that is not higher or wider at the northern lot line than the shadow cast by the existing structure or topographical feature. This exemption does not apply to shade caused by vegetation.
 - a. *Actual Shadow Height.* If the applicant demonstrates that the actual shadow that would be cast by the proposed structure at noon on December 21 is no higher than that allowed for that lot by the provisions of this section, the structure shall be

approved. Refer to Table 18.4.8.020.B.4.a, below, for actual shadow lengths.

Table 18.4.8.020.B.4.a: Actual Shadow Length (at solar noon on December 21st)

Height in feet	Slope									
	0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	55	41	33	27	23	20	18	16	15	13
10 *	69	51	41	34	29	25	22	20	18	17
12 *	83	61	49	41	35	30	27	24	22	20
14 *	96	72	57	47	41	35	31	28	26	24
16 *	110	82	65	54	46	40	36	32	29	27
18 *	124	92	73	61	52	46	40	36	33	30
20 *	138	102	82	68	58	51	45	40	37	34
22 *	151	113	90	75	64	56	49	44	40	37
24 *	165	123	98	81	70	61	54	48	44	40
26 *	179	133	106	88	75	66	58	53	48	44
28 *	193	143	114	95	81	71	63	57	51	47
30 *	207	154	122	102	87	76	67	61	55	50
32 *	220	164	130	108	93	81	72	65	59	54
34 *	234	174	139	115	98	86	76	69	62	57
36 *	248	184	147	122	104	91	81	73	66	60
38 *	262	195	155	129	110	96	85	77	70	64
40 *	275	205	163	135	116	101	90	81	73	67

5. Structures within Cottage Housing Developments meeting the standards in 18.2.3.090, that cast their shadows entirely within the parent parcel of the Cottage Housing Development, shall be exempt from the setback standards in 18.4.8.030 provided they do not cast a shadow upon the roof of a dwelling within the cottage housing development.

C. Exceptions and Variances. Requests to depart from section 18.4.8.030 Solar Setbacks are subject to 18.4.8.020.C.1 Exception to the Solar Setback, below. Deviations from the standards in section 18.4.8.050 Solar Orientation Standards are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards.

1. Solar Setback Exception. The approval authority through a Type I review pursuant to section 18.5.1.050 may approve exceptions to the standards in 18.4.8.030 Solar Setbacks if the requirements in subsection a, below, are met and the circumstances in subsection b, below, are found to exist.
 - a. That the owner or owners of all property to be shaded sign, and record with the County Clerk on the affected properties' deed, a release form supplied by the City containing all of the following information.
 - i. The signatures of all owners or registered leaseholders holding an interest in the property in question.
 - ii. A statement that the waiver applies only to the specific building or buildings to which the waiver is granted.
 - iii. A statement that the solar access guaranteed by this section is waived for that particular structure and the City is held harmless for any damages resulting from

- the waiver.
- iv. A description and drawing of the shading which would occur.
- b. The approval authority finds all of the following criteria are met.
- i. The exception does not preclude the reasonable use of solar energy (i.e., passive and active solar energy systems) on the site by future habitable buildings.
 - ii. The exception does not diminish any substantial solar access which benefits a passive or active solar energy system used by a habitable structure on an adjacent lot.
 - iii. There are unique or unusual circumstances that apply to this site which do not typically apply elsewhere.

18.4.8.030 Solar Setbacks

A. Setback Standard A. This setback is designed to ensure that shadows are no greater than six feet at the north property line. Buildings on lots which are classified as standard A, pursuant to 18.4.8.020.A.1, shall be set back from the northern lot line according to the following formula.

$$SSB = \frac{H - 6'}{0.445 + S}$$

Where:

SSB = the minimum distance in feet that the tallest shadow producing point which creates the longest shadow onto the northerly property must be set back from the northern property line. See definition of northern property line in part 18.6.

H = the height in feet of the highest shade producing point of the structure which casts the longest shadow beyond the northern property line. See definition of highest shade producing point in part 18.6.

S = the slope of the lot, as defined in this chapter.

Table 18.4.8.030.A: Setback Standard “A”

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	-0.00	0.05	0.10	0.15
8 *	14	10	8	7	6	5	4	4	4	3
10 *	28	20	6-16	4-14	2-12	0-10	9	8	7	7
12 *	41	31	24	20	17	15	13	24-12	11	10
14 *	55	41	33	27	23	20	18	16	15	13
16 *	69	51	41	34	29	25	22	20	18	17
18 *	83	61	49	41	35	30	27	24	22	20
20 *	96	72	57	47	41	35	31	28	26	24
22 *	110	82	65	54	46	40	36	32	29	27
24 *	124	92	73	61	52	46	40	36	33	30
26 *	138	102	82	68	58	51	45	40	37	34
28 *	151	113	90	75	64	56	49	44	40	37
30 *	165	123	98	81	70	61	54	48	44	40

Table 18.4.8.030.A: Setback Standard "A"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	-0.00	0.05	0.10	0.15
32 *	179	133	106	88	75	66	58	53	48	44
34 *	193	143	114	95	81	71	63	57	51	47
36 *	207	154	122	102	87	76	67	61	55	50
38 *	220	164	130	108	93	81	72	65	59	54
40 *	234	174	139	115	98	86	76	69	62	57

B. Setback Standard B. This setback is designed to ensure that shadows are no greater than 16 feet at the north property line. Buildings for lots which are classified as standard B, pursuant to 18.4.8.020.A.2, shall be set back from the northern lot line as set forth in the following formula.

$$SSB = \frac{H - 16'}{0.445 + S}$$

Table 18.4.8.030.B: Setback Standard "B"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	0	0	0	0	0	0	0	0	0	0
10 *	0	0	0	0	0	0	0	0	0	0
12 *	0	0	0	0	0	0	0	0	0	0
14 *	0	0	0	0	0	0	0	0	0	0
16 *	0	0	0	0	0	0	0	0	0	0
18 *	14	10	8	7	8	5	4	4	4	3
20 *	28	20	16	14	12	10	9	8	7	7
22 *	41	31	24	20	17	15	13	12	11	10
24 *	55	41	33	27	23	20	18	16	15	13
26 *	69	51	54	34	29	25	22	20	18	17
28 *	83	61	49	41	35	30	27	24	22	20
30 *	96	72	57	47	41	35	31	28	26	24
32 *	110	82	65	54	46	40	36	35	29	27
34 *	124	92	73	61	52	46	40	36	33	30
36 *	138	102	82	68	58	51	45	40	37	34
38 *	151	113	90	75	64	56	49	44	40	37
40 *	165	123	98	81	70	61	54	48	44	40

C. Setback Standard C. This setback is designed to ensure that shadows are no greater than 21 feet at the north property line. Buildings on lots which are classified as standard C, pursuant to 18.4.8.020.A.3, shall be set back from the northern lot line according to the following formula.

$$SSB = \frac{H - 21'}{0.445 + S}$$

Table 18.4.8.030.C: Setback Standard "C"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
8 *	0	0	0	0	0	0	0	0	0	0

Table 18.4.8.030.C: Setback Standard "C"

Height in feet	Slope									
	-0.30	-0.25	-0.20	-0.15	-0.10	-0.05	0.00	0.05	0.10	0.15
10 *	0	0	0	0	0	0	0	0	0	0
12 *	0	0	0	0	0	0	0	0	0	0
14 *	0	0	0	0	0	0	0	0	0	0
16 *	0	0	0	0	0	0	0	0	0	0
18 *	0	0	0	0	0	0	0	0	0	0
20 *	0	0	0	0	0	0	0	0	0	0
22 *	7	5	4	3	3	3	2	2	2	2
24 *	21	15	12	10	9	8	7	6	6	6
26 *	34	26	20	17	14	13	11	10	9	8
28 *	48	36	29	24	20	18	16	14	13	12
30 *	62	46	37	30	26	23	20	18	17	15
32 *	76	56	45	37	32	28	25	22	20	18
34 *	90	67	53	44	38	33	29	26	24	22
36 *	103	77	61	51	43	38	34	30	28	25
38 *	117	87	69	58	49	43	38	34	31	29
40 *	131	97	77	64	55	48	43	38	35	32

SECTION 9. Chapter 18.5.2 [Site Design Review], sub-section 18.5.2.050.E [Approval Criteria; Exceptions to the Site Development and Design Standards], of the Ashland Land Use Ordinance, is hereby amended as follows:

18.5.2.050. E

E. Exception to the Site Development and Design Standards. The approval authority may approve exceptions to the Site Development and Design Standards of part 18.4 if the circumstances in either subsection 1, **2, or 3**, below, are found to exist.

1. There is a demonstrable difficulty meeting the specific requirements of the Site Development and Design Standards due to a unique or unusual aspect of an existing structure or the proposed use of a site; and approval of the exception will not substantially negatively impact adjacent properties; and approval of the exception is consistent with the stated purpose of the Site Development and Design; and the exception requested is the minimum which would alleviate the difficulty.; or
2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards.
- 3. There is no demonstrable difficulty in meeting the specific requirements for a cottage housing development, but granting the exception will result in a design that equally or better achieves the stated purpose of 18.2.3.090.**

SECTION 10. Savings. Notwithstanding this amendment, 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 11. 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 12. 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 10-12) 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 _____, 2017, and duly PASSED and ADOPTED this ____ day of _____, 2017.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2017.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

**ASHLAND PLANNING DIVISION
STAFF REPORT
September 26, 2017**

PLANNING ACTION: #2017-01421

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

- AMC 18.2.2 Base Zones and Allowed Uses
- AMC 18.2.3 Special Use Standards
- AMC 18.2.5 Unified Standards for Residential Zones
- AMC 18.3.4 Normal Neighborhood District
- AMC 18.3.5 North Mountain Neighborhood District
- AMC 18.3.9 Performance Standards Option and PSO Overlay
- AMC 18.4.3 Parking, Access, and Circulation
- AMC 18.4.8 Solar Access
- AMC 18.5.2 Site Design Review

REQUEST: Amendments to Ashland’s Municipal Code establishing a “Cottage Housing” as a new type of housing, allowed within specific residential zoning districts and subject to explicit standards.

I. Relevant Facts

A. Background

The Planning Commission held a public hearing in July 2014 and recommended approval of an ordinance replacing Title 18 Land Use of the Ashland Municipal Code (AMC) with a reformatted and amended land use ordinance. This ordinance included a section on Cottage Housing Developments. Upon adopting the Title 18, the City Council removed the proposed cottage housing provisions, and directed this section to be returned to the Planning Commission for further review.

Over the past several years the Planning Commission held numerous study sessions meetings to refine the draft cottage housing ordinance.

The proposed ordinance was presented to the City Council at a study session on September 19, 2017.

B. Policies, Plans and Goals Supported:

The general objectives of the Cottage Housing Standards will be to provide alternative types of housing for small households; provide high quality infill development which maintains traditional cottage amenities and proportions; contribute to neighborhood character; efficiently use residential land supply; and meet regional plan commitments through consideration of innovative land use strategies to accommodate future population growth.

The City Council's "Ashland 2020" goals and objectives that relate to the development of a cottage housing ordinance include.

- *Support and promote, through policy, programs that make the City affordable to live in. Pursue affordable housing opportunities, especially workforce housing. Identify specific incentives for developers to build more affordable housing. (high priority for 2015-2017)*
- *Support land-use plans and policies that encourage family-friendly neighborhoods. Draft pocket neighborhood code that allows for the construction of small scale, cottage housing projects.*

The Regional Plan Element of the Ashland Comprehensive Plan adopted in 2012 incorporates applicable portions of the adopted the Greater Bear Creek Valley Regional Plan. As a part of the regional planning process, six of the seven communities identified areas outside their respective urban growth boundaries (UGB) for future growth. However, the City of Ashland did not identify UGB expansion areas and committed to evaluating innovative land use strategies to accommodate future residential and employment growth within the City's existing boundaries. The Ashland Comprehensive Plan includes the following performance indicators in the Regional Plan Element.

- *Reach density of 6.6 dwelling units per acre for land in the UGB that is annexed or offset by increasing the residential density in the city limits.*
- *Achieve targets for dwelling units and employment in mixed-use/pedestrian-friendly areas.*
- *Participate in a regional housing strategy that strongly encourages a range of housing types.*

Other related goals and policies in the Ashland Comprehensive Plan include the following.

- *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. (Housing Element)*
- *Encourage the development of private common open space area in new residential developments to offset the demand for additional public parks. (Parks, Open Space, and Aesthetics Element)*
- *Maintain and improve Ashland's compact urban form to allow maximum pedestrian and bicycle travel. (Transportation Element)*

C. Ordinance Amendments

The proposed Land Use Code amendments address the approval process and set forth minimum requirements for the development of cottage housing in particular residential zoning districts (R-1-5, R-1-7.5, NN-1-5, NM-R-1-5, NM-R-1-7.5). Establishment of a cottage housing development would be subject to city procedures for a Performance Standards Subdivision under Chapter 18.3.9 and Site Design Review under Chapter 18.5.2. Public notice would be sent to property owners within 200-feet of the site, making neighbors aware of the land

use request. The application would be processed as a Type II Planning Action with decision by the Planning Commission and appealable to the City Council.

The general objectives of the Cottage Housing Standards provide for an alternative types of housing for small households; provide high quality infill development which maintains traditional cottage amenities and proportions; contribute to neighborhood character; efficiently use residential land supply; and meet regional plan commitments through consideration of innovative land use strategies to accommodate future population growth.

Following is a summary of key special use standards that will be applied to cottage housing developments:

- A minimum of 3 cottage housing units and a maximum of 12.
- Cottages shall be no larger than 1000sq.ft. and at least 75% of the cottages shall be less than 800sq.ft.
- A floor area ratio (FAR) of 0.35 is required for the entire development, with exemptions for common buildings and pre-existing non-conforming structures, to ensure the total volume of buildings on site are comparable to that of average single family home developments.
- A maximum building height of 18' with a ridgeline no greater than 25' above grade.
- Lot coverage remains consistent with the underlying zone, however the ordinance includes an allowance for an additional 10% of lot coverage for the use of pervious materials.
- Setbacks have been reduced to 6 ft. between buildings, with the exception that setbacks along the perimeter of the development must meet the existing requirements of the zone.
- There is a 20% common open space requirement. The open space may be divided into multiple open spaces provided they are interconnected and accessible to all residents of the development.
- Cottage Housing Development are subject to the existing Site Design Standards which will provide for orientation toward the street and pedestrian connections to the neighborhood.
- Solar access requirements are amended for cottage housing developments to stipulate that shadows cast from structures within the development may not cast shadows upon the roof of another cottage.
- Cottage housing development parking standards are as follows:
 - Units less than 800 sq. ft. - 1 space/unit.
 - Units greater than 800 square feet and less than 1000 square feet - 1.5 spaces/unit.
 - Units greater than 1000 square feet - 2.00 spaces/unit.
 - Retirement complexes for seniors 55-years or greater - One space per unit.
- Cottage Housing Development would be permitted on R-1-5, R-1-7.5, NN-1-5. NM-R-1-5 and NM-R-1-7.5 zoned properties.

Changes to the draft ordinance following the July 25th Planning Commission Meeting

Staff has made the following amendments to the draft ordinance for the Commission's consideration:

- The cottage housing development parking standard has been incorporated into Chapter 18.4.3, Parking, Access and Circulation, as previously discussed by Commission.
- The maximum floor area standard (18.2.3.090.C.2) that 75% of the cottages shall be less than 800 square feet has been amended to recognize that this percentage applies to developments of four units or greater. The amended standard clarifies that within cottage housing developments of only three units that at least two of the three shall be less than 800 sq.ft. with no cottage exceeding 1000 sq.ft.
- The allowed uses table within the North Mountain Neighborhood District's NM-R-1-5 and NM-R-1-7.5 zoning designations has been amended to newly include cottage housing as a special permitted residential use when approved in accordance is the standards in 18.2.3.090.
- The section of the proposed ordinance relating to non-conforming dwelling units, 18.2.3.090 C.6, has been amended to clarify that the habitable floor area of an existing single family residential structure in excess of 1000 sq.ft., would not contribute to the maximum floor area permitted per 18.2.3.090 C.2.a, and thus not be calculated as contributing the floor area ratio.
- Conceptual site plans for a four unit development and a 12 unit development scenarios have been included in the draft ordinance to illustrate key concepts relating to cottage housing developments.

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 amendments, staff will prepare a formal recommendation to the Council for the Commission's review on October 17, 2017. The public hearing and First Reading of the proposed ordinance is scheduled at the Council on November 7, 2017.

Attachments:

Draft Ordinance dated 9/26/2017