

Policy Issues and Recommendations

from 2006 Land Use Ordinance Review

by Siegel Planning Services, LLC

NOTE: The Planning Commission reviewed this list of policy issues and recommendations from the 2006 Land Use Ordinance Review by Siegel Planning Services LLC at their May 22, 2012 meeting. The Commission discussed the recommendations, and the suggested revisions to be considered as part of the draft Unified Land Use Ordinance. The following list describes the issues and recommendation from the 2006 report, and the Commission's comments from the May 22 meeting.

1. Lot Coverage

Issue: Whether to exempt porous paving materials.

Suggestion: Consider exempting a percentage of area developed with an approved, pervious paving system from the lot coverage calculations. Applicants would need to have porous surfaces engineered to ensure property storm water infiltration.

Existing Standard:

SECTION 18.08.160 Coverage, lot or site.

Total area of all, buildings, parking areas, driveways, as well as other solid surfaces that will not allow normal water infiltration to the ground. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping which does not negatively impact the natural water retention and soil characteristics of the site shall not be deemed part of the lot or site coverage.

PC Comments:

There was some concern that allowing pervious paving would result in larger houses. Some Commission members thought it should be limited to only using for outdoor living space areas.

2. Slopes

Suggestion: Update the Comprehensive Plan to be consistent with the land use ordinance, which restricts development to slopes of 35% or less.

PC Comments:

Ok

3. R-1 Corner Lots

Issue: Minimum lot area for a corner lot in the Single-Family Residential District is 6,000 and minimum lot width is 60 feet, whereas interior lots are required to be 5,000 square feet in size and 50 feet wide.

Suggestion: Consider dropping the 6,000 minimum for corner lots. As long as setbacks and other development standards are met, 5,000 square feet is sufficient.

Existing Standard:

SECTION 18.20.040 General Regulations.

A. **Minimum lot area:** Basic minimum lot area in the R-1 zone shall be five thousand (5,000) square feet, **except six thousand (6,000) square feet for corner lots.** R-1 areas may be designed for seventy-five hundred (7,500), or ten thousand (10,000) square foot minimum lot sizes where slopes or other conditions make larger sizes necessary. Permitted lot sizes shall be indicated by a number following the R-1 notation which represents allowable minimum square footage in thousands of square feet, as follows:

R-1-5	5,000 square feet
R-1-7.5	7,500 square feet
R-1-10	10,000 square feet

B. **Minimum lot width:**

Interior lots	50 feet
Corner lots	60 feet
All R-1-7.5 lots	65 feet
All R-1-10 lots	75 feet

PC Comments:

Ok

4. **R- 1 Lot Depth**

Issue: The existing provision is too restrictive and may have unintended consequences such as promoting deep cuts and fills on hillside lots. Wide shallow lots can work better than deep-narrow lots for hillside development.

Suggestion: Make minimum lot depth the same as minimum lot width provided the lot meets the minimum area standards.

Existing Standard:

18.20.040.C

C. **Lot Depth:** All lots shall have a minimum depth of eighty (80) feet, and a maximum depth of one hundred fifty (150) feet unless lot configuration prevents further development of the back of the lot. Maximum lot depth requirements shall not apply to lots created by a minor land partition. No lot shall have a width greater than its depth, and no lot shall exceed one hundred fifty (150) feet in width.

PC Comments:

Ok

5. **R-1 Front Porch**

Issue: The required setback to an unenclosed porch is eight feet in the R-1 zone, but is ten feet in the R-2 and R-3 zones.

Suggestion: Change porch setback to 10 feet to be consistent with R-2 and R-3 zones.

Existing Standard:

18.20.040.D

D. **Standard Yard Requirements:** Front yards shall be a minimum of, 15 feet excluding garages. Unenclosed porches shall be permitted with a minimum setback of eight feet or the width of any existing public utility easement, whichever is greater, from the front property line. All garages accessed from the front shall have a minimum setback of 20' from the front property line; side yards, six feet; the side yard of a corner lot abutting a public street shall have a ten foot setback; rear yard, ten feet plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.70 which provides for Solar Access.

PC Comments:

Ok

6. **R- 1-3.5 Housing Types**

Issue: Clarify desired multifamily housing types that are compatible with R-1-3.5 and to encourage innovative housing.

Suggestion: Replace 18.22.020.B (below) with:

- B. Multi-family dwellings, **subject to site review. Appropriate multi-family uses are two-family structures, cottage cluster developments and other building types that are of a similar scale and density.**

Existing Standard:

SECTION 18.22.020 Permitted Uses.

- A. Single-family dwellings.
- B. Multi-family dwellings.**
- C. Agriculture.
- D. Public schools, parks and recreation facilities.
- E. Residential planned unit developments when authorized in accordance with Chapter 18.88.
- F. Home occupations.
- G. Boarding or rooming houses, fraternity or sorority houses and dormitories.
- H. Nursery schools, kindergartens and day nurseries.
- I. Mobile home developments when authorized in accordance with Chapter 18.84.

PC Comments:

No. Commission seems to want to pursue removing barriers, and/or allow flexible housing types (i.e. cottage housing), but felt the above language didn't really make it more clear.

7. **Distance Between Buildings in R-1-3.5, R-2 and R-3**

Suggestion: Recommend stepping back upper building stories away from adjacent, single-story residential uses, as an alternative to moving the entire building away with extra yard setback to encourage more efficient use of land and creative in design of buildings, especially for infill situations.

Existing Standard:

18.22.040.E.3 (R-1-3.5), 18.24.040.E.3 (R-2) and 18.28.040.E.3 (R-3)

Special Yards--Distances Between Buildings.

1. The distance between any principal building and an accessory building shall be a minimum of ten (10) feet.
2. An inner court providing access to a double-row dwelling group shall be a minimum of twenty (20) feet.
3. The distance between principal buildings shall be at least one-half ($\frac{1}{2}$) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet.

PC Comments:

Ok. However, the suggestion addresses infill situations, whereas the above standard pertains to internal setbacks in a development rather than perimeter setbacks.

8. **Affordable Housing Density Bonus in R-2 and R-3**

Suggestion: Recommend increasing density bonus for affordable housing from 1% to 2% (2:1 density bonus) to provide a greater incentive for affordability, while limiting total bonus to 20% address concerns about neighborhood compatibility.

Existing Standard:

18.24.040.B.d (R-2), 18.28.040.B.3.d (R-3)

d. Affordable Housing - for every percent of units that are affordable, an equivalent percentage of density bonus shall be allowed. Maximum bonus of 25%. Affordable housing bonus shall be for residential units that are affordable for moderate income persons in accord with the standards established by resolution of the City Council and guaranteed affordable through procedures contained in said resolution.

PC Comments:

Ok

9. **North Mountain Core Overlay - Multi-Family**

Issue: Neighborhood Core Overlay is 12 units per acre, and is transition area between Central Core (20 residential units per acre and commercial uses allowed) and the Single-Family Residential Overlay (3.6 to 5 units per acre). Housing design standards for North Mountain Neighborhood require street elevations to be broken with reveals, recesses, trim elements and architectural features such as dormers, gables covered porch entries.

Suggestion: Consider providing a range of lot coverage standards based on building types consistent with desired character and scale of North Mountain Neighborhood Plan (e.g., live-work units, townhomes, and small lot single family) would be allowed to cover 75% as is currently allowed; apartments, which typically have central open space, would be able to cover 65%.

Existing Standard:

18.30.040.D

D. Lot Coverage: 75 percent

PC Comments:

No. Concern about appearing to discourage apartments.

10. **C-1 Residential Uses**

Issue: It is unclear how to calculate the allowed residential uses for sites with multiple buildings, and whether ground floor parking counts toward the 65% minimum.

Suggestion: Resolve how much residential to allow, and on what portions of the site; need to resolve whether underground parking is counted toward floor area for purposes of the C-1 residential limit.

Existing Standard:

18.32.025.D

D. Residential uses.

1. At least 65% of the total gross floor area of the ground floor, or at least 50% of the total lot area if there are multiple buildings shall be designated for permitted or special permitted uses, excluding residential.
2. Residential densities shall not exceed 30 dwelling units per acre in the C-1 District, and 60 dwelling units per acre in the C-1-D District. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.
3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying C-1 or C-1-D District.
4. Off-street parking shall not be required for residential uses in the C-1-D District.
5. If the number of residential units exceeds 10, then at least 10% of the residential units shall be affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

PC Comments:

Ok. Commission wanted to make clear that underground parking should not be counted.

11. **Solar Access Setback in C-1**

Issue: Solar requirements typically do not work well in commercial areas.

Suggestion: Recommend deleting solar requirements in the C-1 zone in addition to current exemption for C-1-D (downtown).

Existing Standard:

SECTION 18.32.050 "D" Downtown Overlay District.

- A. In all areas within the "D" Downtown Overlay District, all uses are not required to provide off-street parking or loading areas, except for hotel, motel, or hostel uses. All parking areas provided shall comply with the Off-Street Parking chapter and the Site Review chapter.
- B. Structures which are greater than 40 feet in height, but less than 55 feet, may be permitted as a conditional use.
- C. The solar access setback does not apply in the "D" Overlay district."

PC Comments:

Ok, with exception of where commercial is adjacent to residential zone – keep solar setback in those areas.

12. **C-1 Building Height**

Issue: The existing height and rear yard setbacks from residential districts results in 30 to 40-foot rear yards, which are likely to be used for surface parking. This isn't very efficient use of land, limits opportunities mixed-uses, and discourages structured parking.

Suggestion: Consider allowing greater building height for portions of a site that are oriented away from residential districts, and reducing rear setbacks from residential districts from ten feet to five feet per story.

Existing Standard:

SECTION 18.32.040 General Regulations.

A. Area, Width, Yard Requirements. There shall be no lot area, width, coverage, front yard, side yard, or rear yard, except as required under the Off-Street Parking and Solar Access Chapters; where required or increased for conditional uses; where required by the Site Review Chapter or where abutting a residential district, where such setback shall be maintained at ten feet per story for rear yards and ten feet for side yards.

PC Comments:

Ok. Commission especially interested in increasing height in areas away from residential districts.

13. **HC Lot Depth and Yards**

Issue: Health-related services are more parking intensive than other office uses because they accommodate more people per square foot.

Suggestion: Recommend allowing deeper lots and shallower front setbacks to accommodate parking behind buildings. Additional setbacks can be allowed for buildings with circular driveway/covered front loading and drop off area.

Existing Standard:

SECTION 18.54.040 General Regulations.

- A. Minimum lot area: Minimum lot area shall be 5,000 square feet.
- B. Minimum lot width: Minimum lot width shall be 50 feet.
- C. Minimum lot depth: All lots shall have a minimum depth of 80 feet. No lot depth shall be more than two and one-half times its width.
- D. Standard yard requirements: Front yard, 20 feet; side yards, six feet; rear yard, 10 feet, plus 10 feet for each story in excess of one story. The side yard of a corner lot abutting a public street shall be 10 feet. In addition, the setbacks must comply with Section 18.70 of this title which provides for solar access.
- E. Special Yards - distances between buildings.
 - 1. The distance between any principal building and accessory building shall be a minimum of 10 feet.
 - 2. An inner court providing access to a double-row dwelling group shall be a minimum of 20 feet.
- F. Maximum height: No structure shall be over 35 feet in height.
- G. Maximum coverage: Maximum lot coverage shall be 65%.

PC Comments:

No. see #16 comments.

14. **Non-conforming Uses**

Issue: Six months isn't long, and can be an enforcement problem.

Suggestion: Consider allowing longer than six months before requiring non-conforming uses to conform.

Existing Standard:

SECTION 18.68.090 Nonconforming Uses and Structures.

- B. Discontinuance. If the nonconforming use of a building structure, or premises ceases for a period of six (6) months or more, said use shall be considered abandoned; and said building, structure, or premises shall thereafter be used only for uses permitted in the district in which it is located. Discontinuance shall not include a period of active reconstruction following a fire or other result of natural hazard; and the Planning Commission may extend the discontinuance period in the event of special unique unforeseen circumstances.

C. Reactivation. A non-conforming use, which has been abandoned for a period of more than six (6) months may be reactivated to an equivalent or more restricted use through the Conditional Use and Site Review process. In evaluating whether or not to permit the reactivation of a non-conforming use, the Planning Commission, in addition to using the criteria required for a Conditional Use Permit and Site Review, shall also use the following additional criteria:

1. That any improvements for the reactivation of the non-conforming use on the site shall be less than fifty (50%) percent of the value of the structure. The value of the structure shall be determined by an independent real estate appraiser licensed in the State of Oregon. The value of the improvement shall be determined based upon copies of the contractor's bid for said improvements, which shall be required with the Conditional Use permit application. Personal property necessary for the operation of the business or site improvements not included in the structure shall not be counted as improvements under this criterion.
2. An assessment that the traffic generated by the proposed use would not be greater than permitted uses on the site. In assessing the traffic generated by the proposed use, the Planning Commission shall consider the number of vehicle trips per day, the hours of operation, and the types of traffic generated; i.e., truck or passenger vehicle. The Planning Commission shall modify the Conditional Use Permit so that the operation of the non-conforming use is limited to the same traffic impact as permitted uses in the same zone.
3. That the noise generated by the proposal will be mitigated so that it complies with the Ashland Noise Ordinance, Chapter 9.08.170, and also that it does not exceed the average ambient noise level already existing in the area, as measured by this standard.
4. That there will be no lighting of the property which would have direct illumination on adjacent uses and that there would be no reflected light from the property greater than the amount of reflected light from any permitted use in that same zone.
5. In a residential zone the findings must further address that such reactivation will further implement Goal VI, Policy 2, Housing Chapter of the Ashland Comprehensive Plan.
6. Nothing herein shall apply to non-conforming signs, which are governed by the provisions of Section 18.96.150 of this Code.

PC Comments:

No.

15. Parking for Small Multifamily Units, Assisted Living etc.

Issue: Recommend reduced parking ratios to conserve land. Specifically, for single-family and multi-family dwellings, other communities allow 1.5 spaces for a 2-bedroom unit, and this usually works in areas with on-street parking. For retirement complexes, one space per unit is excessive for some retirement complexes, such as assisted living and for residents who typically do not drive.

Suggestion: Consider reducing requirements to 1.5 spaces for 2-bedroom units. Consider allowing reductions of 0.3 – 0.5 spaces for each retirement complex unit, with a nominal amount of visitor and employee parking, with an administrative variance. The actual demand really depends on what type of senior housing is proposed.

Existing Standard:

SECTION 18.92.030 Automobile Parking Spaces Required.

Uses and standards are as follows:

- A. **Residential Uses.** For residential uses the following automobile parking spaces are required.
1. Single family dwellings.
Two 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.
 2. Multi-family dwellings.
 - 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.
 3. Clubs, fraternity and sorority houses, rooming and boarding houses, dormitories.
Two spaces for each three guest rooms; in dormitories, 100 square feet shall be equivalent to a guest room.
 4. Hotels and motels.
One space for each guest room, plus one space for the owner or manager.
 5. Manufactured housing developments.
Parking requirements are as established in Chapter 18.84.
 6. Performance Standards Developments.
Parking requirements are as established in Chapter 18.88.

PC Comments:

Ok. Discussion about how is consistent with Pedestrian Places work.

16. **Parking for Medical Offices**

Issue: Health-related services are more parking intensive than other office uses because they accommodate more people per square foot.

Suggestion: Recommend increase from 1 space per 350 square feet to 1 space per 300 square feet. The change is consistent with other jurisdictions but it should be evaluated for impacts on existing uses before it is finalized.

Existing Standard:

SECTION 18.92.030 Automobile Parking Spaces Required.

Uses and standards are as follows:

B. Commercial Uses. For commercial uses the following automobile parking spaces are required.

1. Auto, boat or trailer sales, retail nurseries and other open-space uses.

One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one per two employees.

2. Bowling Alleys.

Three spaces per alley, plus additional spaces for auxiliary activities set forth in this section.

3. Business, general retail, person services.

General - one space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.

4. Chapels and mortuaries.

One space per four fixed seats in the main chapel.

5. Offices.

Medical and dental - one space per 350 square feet of gross floor area. General - one space per 500 square feet of gross floor area.

6. Restaurants, bars, ice cream parlors and similar uses.

One space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.

7. Skating rinks.

One space per 350 sq. ft. of gross building area.

8. Theaters, auditoriums, stadiums, gymnasiums and similar uses.

One space per four seats. (Ord 3034, amended, 08/17/10)

PC Comments:

No. Concern that is inconsistent with general direction City has been moving (i.e. Pedestrian Places). While familiar with the areas around the hospital in the HC zone, Commission was concerned about extending a provision to all areas/zoning that medical offices are allowed in (i.e. C-1, E-1).

17. Accessory Residential Units

Issue: Need to determine whether accessory residential units are target uses in R-1 (Single-Family Residential).

Suggestion: Consider establishing a maximum allowable density or spacing standard for accessory residential units.

Existing Standard:

SECTION 18.20.030 R-1, Conditional Uses.

The following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.104, Conditional Use Permits.

- H. Accessory residential units, subject to the Type I procedure and criteria, and the following additional criteria:
1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
 2. The maximum number of dwelling units shall not exceed 2 per lot.
 3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1000 sq. ft. GHFA.
 4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.

SECTION 18.104.020 Definitions.

The following are definitions for use in this chapter.

B. "Target Use" - The basic permitted use in the zone, as defined below.

2. R-1 (Single Family Residential) zones: Residential use complying with all ordinance requirements, developed at the density permitted by Section 18.88.040.

SECTION 18.104.050 Approval Criteria.

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
1. Similarity in scale, bulk, and coverage.
 2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 3. Architectural compatibility with the impact area.
 4. Air quality, including the generation of dust, odors, or other environmental pollutants.
 5. Generation of noise, light, and glare.
 6. The development of adjacent properties as envisioned in the Comprehensive Plan.
 7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

PC Comments:

Ok. Commission said they would like to open up this issue, and explore making ARU's a permitted use.

18. **Railroad District Conditional Uses**

Issue: Concern about cumulative impact of Conditional Use Permits, particularly professional offices and travelers accommodations in the Railroad District.

Suggestion: Proposed language (see below) attempts to address the concern over cumulative impacts of conditional uses.

Existing Standard:

SECTION 18.104.050 Approval Criteria.

A conditional use permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

- B. That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation can and will be provided to and through the subject property.
- C. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone:
1. Similarity in scale, bulk, and coverage.
 2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 3. Architectural compatibility with the impact area.
 4. Air quality, including the generation of dust, odors, or other environmental pollutants.
 5. Generation of noise, light, and glare.
 6. The development of adjacent properties, **including the cumulative effect of the proposed conditional use with other conditional uses in the vicinity (i.e. within # feet) of the subject site,** as envisioned in the Comprehensive Plan.
 7. Other factors found to be relevant by the Hearing Authority for review of the proposed use.

PC Comments:

Generally in favor of, but concerned about how to identify the tipping point when a neighborhood starts to lose residential character. Also, Commission specifically said they didn't think it should be done with numbers, and would they would shy away from using a cap.