

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

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
JULY 22, 2014
AGENDA**

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

II. **ANNOUNCEMENTS**

III. **AD-HOC COMMITTEE UPDATES**

IV. **PUBLIC FORUM**

V. **LEGISLATIVE PUBLIC HEARING**

A. **PLANNING ACTION: 2014-00529**

DESCRIPTION: A request to modify Title 18 of the Ashland Municipal Code to combine the land use ordinance language and related development standards into one document with improved organization, wording, formatting, and graphics. Amendments are included to address outstanding items from the [2006 Land Use Ordinance Review by Siegel Planning Services LLC](#), recommendations from the planning application procedure and green development audits, inconsistencies, and ambiguous wording. The land use ordinance implement the community's vision as expressed in the Ashland Comprehensive Plan and governs the development of property within the City limits.

*Document is available online at www.ashland.or.us/unifiedcode

VI. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

**ASHLAND PLANNING DIVISION
STAFF REPORT
July 22, 2014**

PLANNING ACTION: 2013-01862

APPLICANT: City of Ashland

STATEWIDE PLANNING GOALS: Goal 2 – Land Use Planning

OREGON REVISED STATUTES (ORS): Chapter 197 - Comprehensive Land Use Planning
Coordination

REQUEST: To replace Title 18 Land Use of the Ashland Municipal Code with a revised land use ordinance that combines the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting, and graphics. In addition, amendments are proposed: to address recommendations of the 2006 Land Use Ordinance Review by Siegel Planning Services, the planning application procedure evaluation, and green development evaluations; to improve standards and procedures; to standardize chapters; and to address inconsistencies and clarify wording.

I. Background

The 2011-2012 City Council Goals included a goal to “Increase the clarity, responsiveness, and certainty of the development process. Develop a specific action plan to respond to the recommendation of the 2006 Zucker and Siegel reports.” The 2006 Land Use Ordinance Review by Siegel Planning Services recommended combining the land use ordinance and development standards into a unified code, and the project was identified as an action item to address the 2011-2012 Council Goal.

In addition to creating a unified land use ordinance (ULUO), the project included an evaluation of the planning application procedures and green development measures. The Economic Development Strategy (adopted July 2011) identifies improving the land use development process as one of seven top priority actions. Specifically, the action says to “manage physical development process to ensure understandable requirements with timely and predictable results while safeguarding and improving the quality of the environment and the community.” In terms of green development measures, the 2011-2012 City Council goals also included to “Adopt land use codes, building codes, green building standards, and fee structures that creates strong incentives for development that is energy, water, and land efficient and supports a multi-modal transportation system.”

The Community Development Department applied for a Code Assistance grant from the Oregon Transportation and Growth Management (TGM) program to fund a land use code expert for the preparation of the planning application procedure and green development evaluations, review and assistance on the second draft, and preparation of new graphics.

The state awarded the grant in May 2012, but the work under the grant was delayed until October 2012 because of state funding freezes.

The development of the ULUO involved a series of 38 meetings with the City Council, Planning Commission, advisory commissions, focus groups, and an open house. The project timeline is described below.

- **Project Kick-Off and Draft 1 Development** (May 2012 – August 2012)

At the initiation of the project, the Planning Commission held study sessions to discuss the overall project approach and the recommendations of the 2006 Land Use Ordinance Review by Siegel Planning Services. In addition, staff presented the project approach to the advisory commissions (i.e., Conservation, Historic, Housing, Transportation, and Tree Commissions) for discussion and comment.

The following project goal and objectives were identified during this initial phase.

Goal: Present the information contained in the existing land use ordinance and design standards in one clear, consistent, adaptable, and user-friendly document.

Objectives:

- Make the land use ordinance usable for a wide variety of code users (e.g., applicants, neighbors, appointed officials, elected officials, staff).
- Make the code easy to navigate so all standards related to a subject are in one location.
- Make the code clear with consistent standards, definitions, format, and improved graphics.
- Make the code adaptable so the document is easy to amend in the future and is a living document that adjusts with future changes.
- Improve timeliness and predictability of planning application process by removing code inconsistencies.
- Consider streamlining planning application process to address City Council goals and Economic Development Strategy priority action regarding timeliness, predictability, and potential impacts of development process to economic development projects.
- Consider facilitating increased use of green development measures by removing barriers and adding provisions to address City Council goals.

- **Draft 1 Review and Discussion** (September 2012 – May 2013)

The Planning Commission reviewed and discussed the first draft and the procedure and green development evaluations.

- **Public Meetings and Draft 2 Development** (June 2013 – September 2013)

An open house, focus group meetings, and advisory commission meetings were held to discuss the draft code and proposed amendments.

An open house was held on June 20, 2013. In addition, focus group meetings of design and development professionals were held on June 10, 2013 and September 23, 2013. Updates were also given to the advisory commissions from August 2013 through October 2013. The meetings covered the code organization, amendment highlights, and the evaluations of the planning application procedures and green development measures.

The open house was an informal drop-in setting where participants could have one-on-one discussions with staff members. The focus group meetings included a staff presentation and informal roundtable discussions. Three hundred postcards announcing the meetings and the project web site were mailed to design and development professionals, contractors, advisory commissions, and past planning applicants. The Open House was also announced in the *Ashland Daily Tidings*. The amendment table, the draft ULUO, the ordinance outline, and project information sheet were available at the public meetings and prior to the public meetings on the project web site. The project web site www.ashland.or.us/unifiedcode also includes the schedule of public meetings and links to the meeting materials.

Staff received positive feedback at the public meetings on the consolidation of the development standards, the code organization, and use of tables. Currently, there are several documents that comprise the land use standards including the land use ordinance, site design and use standards, and street standards. While this may not seem like a significant issue, a consistently raised frustration by applicants, neighbors, and design and development professionals is not having all of the standards that apply to a planning application located in one document that apply to a planning application.

The focus group of design and development professionals supported the consolidation, organization, formatting, and use of tables in the ULUO. There was positive feedback on many of the proposed amendments including the increase in building height and exemption from the solar setback in the commercial zones (C-1 and C-1-D) in order to encourage multi-story construction, revising the required distance between buildings in the multi-family zones, and changing the ARU approval from a conditional use permit to the site design review process. The group supported the amendments to the planning application procedure, and was especially vocal about the benefit of extending the planning approval and extension timelines. The participants said there are numerous variables affecting the timeline of a development from planning approval to construction including but not limited to sales agreements and property acquisition, easement negotiation, securing financing and preparation of surveys, civil engineering, and building plans.

Several additional issues were identified by individuals at the open house

meeting. There were several amendment suggestions including allowing reduced rear yards setbacks adjacent to alleys to reflect the development pattern of the historic districts and allowing smaller residential lots of approximately 3,000 square feet in size. Other comments were specific to the current code and draft ULUO. One suggestion was to allowing a combination design strategies for surface parking areas on larger sites. Another recommendation was to include the employment zone (E-1) in the proposed amendment to allow building height to increase in the commercial zone (C-1).

Following the public meetings, the Planning Commission reviewed and discussed the feedback from the focus group and open house.

- **Draft 2 Review and Discussion** (October 2013 – April 2014)

The second draft of the ULUO was prepared incorporating comments and discussion from public meetings. The Planning Commission reviewed the second draft from October 2013 through March 2014.

- **Preparation of Adoption-Ready Draft** (May 2014 – July 2013)

Staff prepared the draft and related materials for the public hearing process. Approximately three hundred postcards announcing the Planning Commission public hearing were mailed to the same group of individuals involved in the open house and focus group meetings including design and development professionals, contractors, advisory commissions, and past planning applicants. The public hearing was also noticed in the *Ashland Daily Tidings and Mail Tribune*. The project web site www.ashland.or.us/unifiedcode includes the adoption-ready draft, amendment table, and the Planning Commission meeting packet materials.

The original timeline identified an 18-month time period to prepare a draft ULUO for the adoption process. However, the Planning Commission's review of the ULUO overlapped with the Transportation System Plan (TSP) and the Normal Neighborhood Plan meetings. The TSP process was delayed and involved extra meetings each month for the Planning Commission in 2012. As a result, the ULUO timeline was staggered with the TSP and Normal Neighborhood Plan activities. In addition, the work funded by a state grant was delayed several months because of state funding freezes.

II. Proposal

A. Description

The item before the Planning Commission is to replace the land use ordinance with a unified land use ordinance that combines the existing land use ordinance, site design and use standards, and street design standards into one document with improved organization, wording, formatting, and graphics. In addition, amendments are proposed: to address recommendations of the 2006 Land Use Ordinance Review by Siegel Planning Services, the planning application procedure evaluation, and green development evaluations; to improve standards and procedures; to standardize chapters; and to address inconsistencies and clarify wording.

The land use ordinance implements the community's vision as expressed in the Ashland Comprehensive Plan and governs the development of property within the City limits. The land use ordinance has been incrementally amended numerous times since it was originally adopted in 1964. Each update was prepared and adopted independently, and there are several documents that comprise the land use regulations (i.e., Land Use Ordinance, Site Design and Use Standards, Ashland Street Standards).

The ULUO is organized and formatted so the document is easy to understand and navigate by the wide variety of people that use the code. The ULUO provides an approachable code framework by dividing the document into six sections of related chapters. The six parts of the ULUO are: 1) Introduction and General Provisions, 2) Zoning Regulations, 3) Special Districts and Overlay Zones, 4) Site Development and Design Standards, 5) Application Review Procedures and Approval Criteria, and 6) Definitions.

Tables are used throughout the document to consolidate information for convenient reference. For example, the current code has eight separate chapters covering each of the base zones. The permitted uses and dimensional regulations (e.g., lot coverage, building height, required yard areas) are repeated in each chapter. In contrast, the ULUO covers the same information in Part 2 Zoning Regulations, but consolidates the allowed uses and dimensional standards into tables. Users can quickly find information such as the zones where offices are allowed or the required front yard in residential zones.

The organization and format of the ULUO are based on the State's Model Development Code for Small Cities, Third Edition, October 2012. The Model Development Code is produced by the TGM program, and has won state and national recognition for the format, graphically based standards, and smart development standards.

B. Proposed Amendments

A variety of amendments to the land use ordinance and development and design standards were identified in working through the project. A table summarizing the proposed ordinance amendments is included in the July 22, 2014 Planning Commission meeting packet. The table is divided into six sections – substantive amendments, development and design standards, procedures, new language for standardization, housekeeping, and new graphics.

All of the amendments in the table were noted in the first and second drafts of the ULUO that the Planning Commission reviewed and discussed in meetings from September 2012 thru March 2014. There are no new amendments included in the latest, adoption-ready draft.

The table is longer than the previous version because new and amended definitions were added. Again, the new and amended definitions were noted in the previous drafts that the Planning Commission reviewed and discussed. There are no new

changes to the definitions.

Section 1 in the table of proposed amendments describes substantive amendments or those amendments that could be considered or perceived as significant policy changes. Most of the substantive amendments are from three sources – the 2006 Land Use Ordinance Review by Siegel Planning Services, the green development evaluation, and the procedures evaluation. Staff added a fourth “other” category under the substantive amendments. These issues are related to the other substantive amendments or were issues involved in past appeals.

Sections 2 and 3 in the table of proposed amendments include other less significant amendments to the development and design standards and procedural requirements. Section 4 describes the new language added to the code which is largely comprised of purpose and applicability sections for newly combined chapters or for chapters that previously didn’t specify the purpose or applicability. Section 4 also includes new definitions for words that are used in the land use ordinance, but were previously not defined. Section 5 includes housekeeping amendments to correct inconsistencies and delete language that is no longer applicable.

The substantive amendments in section 1 are summarized below. The Planning Commission reviewed and discussed the green development and procedures evaluations at the April 23, 2013 and May 14, 2013 meetings. The evaluations are also summarized below.

1. 2006 Land Use Ordinance Review

The 2006 Land Use Ordinance Review by Siegel Planning Services recommends addressing a list of policy issues. The Planning Commission recommended 12 amendments from this list, and these code changes are identified as per the 2006 Land Use Ordinance review in the comment column of the table of proposed amendments. Some highlights of those proposed amendments follow (see table of amendments for complete list).

- Use the less discretionary site design review process, rather than the conditional use permit process, for **accessory residential units (ARU’s)**.
- Revise the required **distance between buildings** in multi-family zones to provide more flexibility for cottage housing in multi-family zones and for consistency with single-family zones.
- Allow **building height** in the commercial zones (C-1 and C-1-D) to increase from 40 feet to 55 feet when the building is more than 100 feet from a residential zone.
- Exempt the commercial zone (C-1) from the **solar setback requirements**, except for buildings within 100 feet of a residential zone. The downtown zone (C-1-D) is currently exempt from the solar setback requirements.
- In the commercial and employment zones (C-1, C-1-D, E-1), require five feet per story for **side and rear yards** when abutting a residential zone rather than ten feet per story as currently written.

- **Maximum lot coverage exemption** in residential zones of 200 square feet or five percent of lot coverage if developed in a porous solid surface that allows storm water infiltration. The exemption does not apply to driveways and parking areas.
- Revise **conditional use permit approval criteria** to allow the impact of a proposal to be evaluated in terms of the cumulative effect of the proposed conditional use with other conditional uses in the vicinity of the site. Cumulative effect is measured by evaluating the concentration of conditional uses within 500 feet of the subject site.

2. Green Development Evaluation

The green development evaluation found that the current code addresses most aspects of green development. The evaluation compares the US Green Building Council's Leadership through Energy and Environmental Design Neighborhood Development (LEED-ND) rating system with the City's current ordinance requirements. The LEED-ND framework is used as a tool for the assessment of the current ordinance requirements because it comprehensively addresses green development at the regional, city, site, infrastructure, and building level.

After reviewing and discussing the evaluation, the Planning Commission recommended the following amendments to further address green development measures.

- Allow **cottage housing** in the single-family zones. Cottage housing is a type of development consisting of a group of small homes clustered around a common area.
- **Solar orientation standards** requiring new residential lots to be oriented so that lots, buildings, and roofs have the long sides facing south to allow the use of passive and active solar strategies where the site and location permit.

3. Planning Application Process Evaluation

The planning application process evaluation involved reviewing the current code for improvements to the timeliness and predictability of the land use procedures, and determining if the City's procedures meet the statutory requirements. The evaluation concludes that the City has completed most of the action items focused on improving the planning application procedures from the 2006 Land Use Ordinance Review by Siegel Planning Services, and determined the City's land use procedures meet or exceed the statutory requirements.

For example, state law requires local jurisdictions to make a decision on quasi-judicial applications within 120 days of the application being deemed complete (ORS 227.178). In contrast, the City's current ordinance requirement for Type I applications is a decision within 45 days of receipt of a

complete application. Type I decisions are made by the Staff Advisor, following public notice and a public comment period with an opportunity to appeal to the Planning Commission. While the Type II applications which involve a public hearing at the Planning Commission are the larger, more visible and sometimes more controversial projects such as a new building in the downtown or residential subdivisions, Type I applications represent the majority of land use applications processed. Examples of Type I applications are accessory residential units, land divisions involving three lots or less, and commercial and light industrial buildings outside of the downtown sized 10,000 square feet and less.

After reviewing and discussing the evaluation, the Planning Commission recommended the following amendments to the planning application procedures.

- Use the administrative decision procedure (Type I) for basic site design review of buildings 15,000 square feet or less, or additions less than 50% of the existing building. The current size cap for a Type I procedure basic site design review is buildings 10,000 square feet or less or additions less than 20% of the existing building. Some of the areas that are subject only to the basic site review process include Hersey, Washington/Jefferson, the airport, and Benson Way.
- Reduce **effective date of Type II decision** from 13 days to 10 days to match statutory requirements.
- Increase **planning approval time period** from 12 to 18 months.
- Increase the time period for an **extension of a planning approval** from 18 to 24 months.

4. Other Substantive Amendments

The following amendments are related to the substantive amendments previously mentioned or were issues in past appeals. The changes come from a variety of sources –some were recommended by the focus groups and staff.

- Add the downtown zone (C-1-D) to the list of commercial and employment zones (C-1, E-1, and CM) exempted from the **vision clearance area requirements**.
- Allow parapets to be erected up to three feet above the maximum building height in the commercial and employment zones (C-1, C-1-D, E-1, and M-1).
- Change **building separation requirement for large scale development** to apply to buildings located on the same parcel. Current standard requires buildings not connected by a common wall to be separated by a distance equal to the height of the tallest building and up to 60 feet.
- Exempt fourth floor of buildings in large scale development for **plaza/public space requirement**. A proposed amendment is to allow

buildings in the commercial zones (C-1 and C-1-D) to have a fourth story if at least 100 feet from residential zones.

- Revise **Variance approval criteria** to provide more specificity in that the unique or unusual circumstance is a physical characteristic of the site, the need for the variance is not self-imposed by the property owner, and the variance is the minimum necessary to address the unique or unusual physical characteristic.
- Revise **definition of hotel/motel** to reflect contemporary transient accommodations based on the state model code. The current definitions of hotel and motel were interpreted by the City Council to prohibit mixed-use buildings (e.g., downtown) from obtaining a conditional use permit to use individual residential units as hotel or motel units.

III. Procedure

A. Legislative Amendment

The adoption of the ULUO is a legislative amendment. Chapter 18.108 allows for legislative amendments “in order to conform with the comprehensive plan or to meet other changes in circumstances or conditions.” The Planning Commission is required to hold a public hearing and make a recommendation to the City Council. The City Council is also required to hold a public hearing and makes the final decision.

Oregon Statewide Planning Goal 2 – Land Use Planning, as well as Chapter 197 of the Oregon Revised Statutes, require a land use planning process and policy framework as a basis for all decision and actions related to use of land. Specifically, plans and implementation measures such as ordinances controlling the use and construction are permitted as measures for carrying out Comprehensive Plans.

B. Applicable City of Ashland Land Use Ordinance Sections

SECTION 18.08.345. Legislative amendment.

An amendment to the text of the land use ordinance or the comprehensive plan or an amendment of the zoning map, comprehensive plan maps or other official maps including the street dedication map described in section 18.82.050, for land involving numerous parcels under diverse ownerships.

18.108.170 Legislative Amendments

A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the

hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.

C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.

D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

IV. Conclusions and Recommendations

The land use ordinance is an important document because it implements the community's vision as expressed in the Ashland Comprehensive Plan and governs the development of property within the City limits. The development and design standards are used every day by a wide range of people for items ranging from ministerial permits for fences and home occupations to more complex projects such as residential subdivisions and multi-story commercial buildings in the downtown. Applicants, property owners, neighbors, contractors, design professionals, staff, advisory commissions, the Planning Commission, and the City Council all use the land use ordinance.

Staff recommends the Planning Commission focus on Section 1: Substantive Amendments in the table of proposed amendments because these amendments could be considered or perceived as significant policy changes. Most of the substantive amendments are from three sources – the 2006 Land Use Ordinance Review by Siegel Planning Services, the green development evaluation, and the procedures evaluation. Staff added a fourth “other” category under the substantive amendments. These issues are related to the other substantive amendments or were issues involved in past appeals.

Staff believes the Planning Commission has conducted a careful and thoughtful review of the ULUO and the proposed amendments to the code. Feedback to date from the public meetings and design and development professionals has been largely positive. Staff recommends the Planning Commission forward the ULUO and the proposed amendments to the City Council for adoption.

Memo

DATE: July 22, 2014

TO: Ashland Planning Commission

FROM: Bill Molnar, Community Development Director

RE: Amendment to Basic Site Review Standards

SUMMARY

Staff recommends considering a revision to the basic site review standards for non-residential development that requires a building or buildings to occupy the majority of the street frontage.

BACKGROUND

Attached are the basic site review standards with staff's suggested amendments. There are two amendments. First, the existing standard would be amended to allow parking areas on one side of the building rather than both sides of the building (18-4.2.040.B.1.a). Second, a new standard is suggested requiring the building façade to occupy the majority of a project's street frontage, and thereby avoiding gaps between buildings occupied by parking areas and associated access and maneuvering areas (18-4.2.040.B.1.b).

In preparing the ULUO, staff realized the existing basic site review standards are inconsistent with the Basic Site Review Conceptual Site Plan and Detail Site Review Site Plan (see Figures 18-4.2.040.B.1 and 18-4.2.040.C.1). The conceptual plans depict buildings, rather than parking areas and related vehicle maneuvering areas, taking up most of the street frontage of the lot. The Pedestrian Places overlay and concept plans also emphasizes this design approach.

The purpose and intent of the site review standards (18.72.010 in existing code, 18-4.2.010 in ULUO) includes language that speaks to regulating in a manner "to ensure that high quality development is maintained throughout the City" and "to enhance the environment for walking, cycling, and mass transit use." Locating buildings along the street, rather than large open expanses of parking is important in creating a comfortable and lively pedestrian environment. Good examples of this are A Street and the downtown where the buildings create an interesting and engaging "street wall" and the concentration and mix of uses makes walking comfortable and attractive.

The Ashland Boulevard Corridor standards discuss changing the "typical strip development" on Ashland Street to development that reflects Ashland's community image by "encouraging pedestrian amenities and urban design strategies." The standards discuss the importance of Ashland Street as one of the main entrances into the community.



In looking forward into the next 20 years, the developable and re-developable commercial sites are located in the southeast area of the city, primarily along Ashland Street and Siskiyou Boulevard. Staff is concerned that without an adjustment to the site review standards, future commercial development is likely to develop with sizable gaps between buildings. The resulting development will then continue to have a more suburban, auto-oriented character rather than moving towards the more peopled environment articulated by the site review standards, Pedestrian Place overlay, and Ashland Boulevard Corridor standards.

ATTACHMENTS

1. Possible Amendments to the Basic Site Review Standards



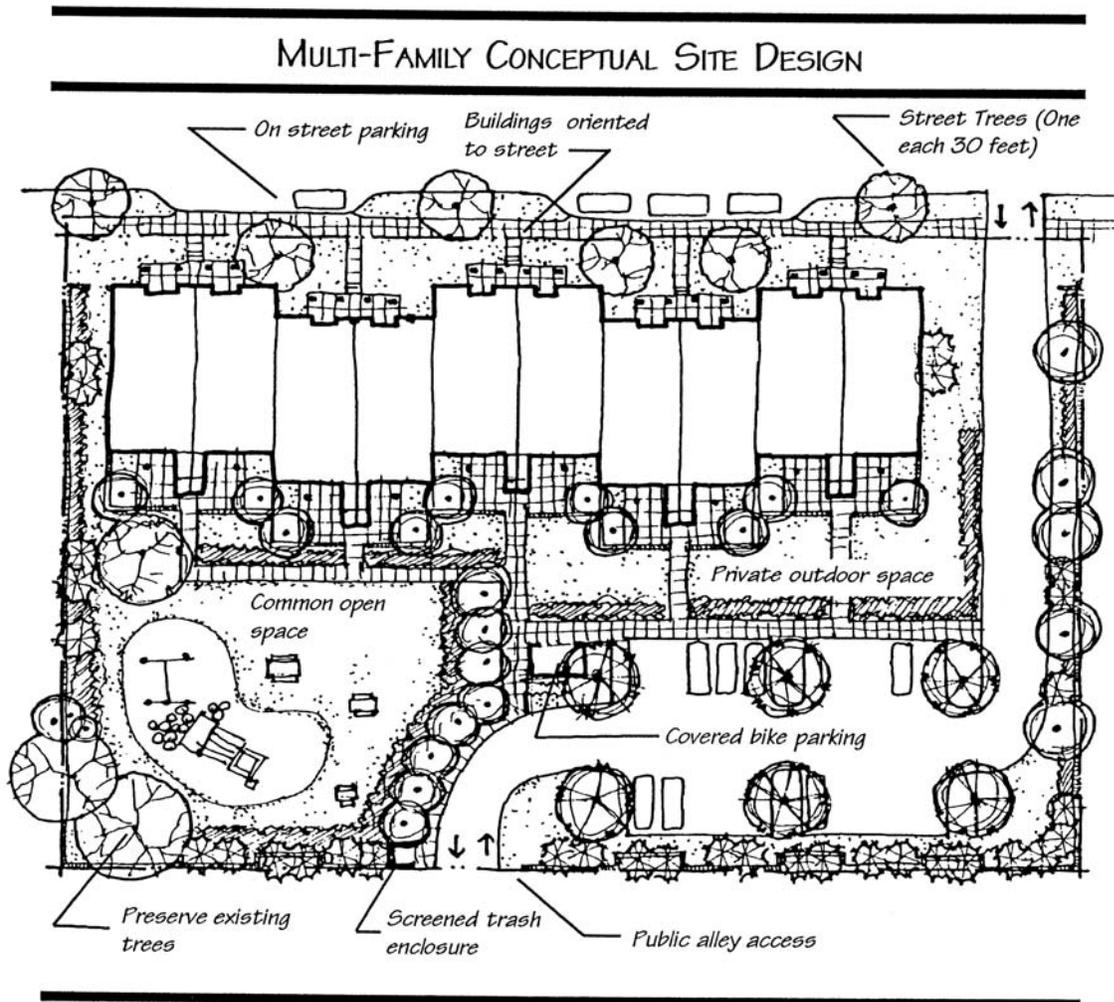


Figure 18-4.2.030
Multi-Family Conceptual Site Design

18-4.2.040 Non-Residential Development

A. Purpose and Intent. Commercial and employment developments should have a positive impact upon the streetscape. For example, buildings made of unadorned concrete block or painted with bright primary colors used to attract attention can create an undesirable effect upon the streetscape.

Landscaping and site design for commercial and employment zones is somewhat different from that required for residential zones. The requirement for outdoor spaces is much less. The primary function is to improve the project's appearance, enhance the City's streetscape, lessen the visual and climatic impact of parking areas, and to screen adjacent residential uses from the adverse impacts which commercial uses may cause.

One area in which Ashland's commercial differs from that seen in many other cities is the relationship between the street, buildings, parking areas, and landscaping. The most common form

18-4.2 – Building Placement, Orientation, and Design

of modern commercial development is the placement of a small buffer of landscaping between the street and the parking area, with the building behind the parking area at the rear of the parcel with loading areas behind the building. This may be desirable for the commercial use because it gives the appearance of ample parking for customers. However, the effect on the streetscape is less than desirable because the result is a vast hot, open, parking area which is not only unsightly but results in a development form which the City discourages.

The alternative desired in Ashland is to design the site so that it makes a positive contribution to the streetscape and enhances pedestrian and bicycle traffic. The following development standards apply to commercial, industrial, non-residential and mixed-use development. The application of the standards depends on what area of the City the property is located. Generally speaking, areas that are visible from highly traveled arterial streets and that are in the Historic District are held to a higher development standard than projects that are in manufacturing and industrial area.

B. Basic Site Review Standards. Except as otherwise required by an overlay zone or plan district, the following requirements apply to commercial, industrial, non-residential and mixed-use development pursuant to section 18-5.2.020. See conceptual site plan of basic site review development in Figure 18-4.2.040.B.

1. Orientation and Scale.

- a. Buildings shall have their primary orientation toward the street and not a parking area. Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on to one or both sides side. See Figure 18-4.2.040.B.1.
- b. A building façade or multiple building facades shall occupy a large majority of a project's street frontage as illustrated in Figure 18-4.2.040.B, and avoid site design that incorporates extensive gaps between building frontages created through a combination of driveway aprons, parking areas, or vehicle aisles. This can be addressed by, but not limited to, positioning the wider side of the building rather than the narrow side of the building toward the street. In the case of a corner lot, this standard applies to both street frontages. Spaces between buildings shall consist of landscaping and hard durable surface materials to highlight pedestrian areas.
- bc. Building entrances shall be oriented toward the street and shall be accessed from a public sidewalk. The entrance shall be designed to be clearly visible, functional, and shall be open to the public during all business hours. See Figure 18-4.2.040.B.1.
- ed. Building entrances shall be located within 20 feet of the public right of way to which they are required to be oriented. Exceptions may be granted for topographic constraints, lot configuration, designs where a greater setback results in an improved access or for sites with multiple buildings, such as shopping centers, where other buildings meet this standard.
- de. Where a building is located on a corner lot, its entrance shall be oriented toward the higher order street or to the lot corner at the intersection of the streets. The building shall be located as close to the intersection corner as practicable.
- ef. Public sidewalks shall be provided adjacent to a public street along the street frontage.
- fg. The standards in a-d, above, may be waived if the building is not accessed by pedestrians,

such as warehouses and industrial buildings without attached offices, and automotive service stations.

Building Orientation

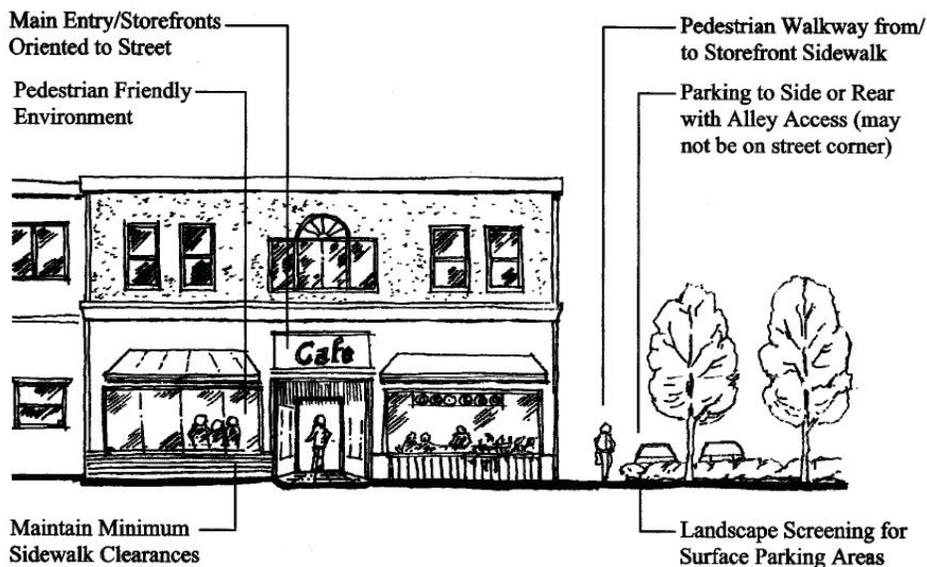


Figure 18-4.2.040.B.1
Building Orientation

2. Streetscape. One street tree chosen from the street tree list shall be placed for each 30 feet of frontage for that portion of the development fronting the street pursuant to subsection 18-4.4.030.E.
3. Landscaping.
 - a. Landscape areas at least ten feet in width shall buffer buildings adjacent to streets, except the buffer is not required in the Detail Site Review, Historic District, and Pedestrian Place overlays.
 - b. Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18-4.4.
4. Designated Creek Protection. Where a project is proposed adjacent to a designated creek protection area, the project shall incorporate the creek into the design while maintaining required setbacks and buffering, and complying water quality protection standards. The developer shall plant native riparian plants in and adjacent to the creek protection zone.
5. Noise and Glare. Artificial lighting shall meet the requirements of section 18-4.4.050.

18-4.2 – Building Placement, Orientation, and Design

Compliance with AMC 9.08.170.c and AMC 9.08.175 related to noise is required.

6. Expansion of Existing Sites and Buildings. For sites that do not conform to the standards of section 18-4.2.040 (i.e., nonconforming developments), an equal percentage of the site must be made to comply with the standards of this section as the percentage of building expansion. For example, if a building area is expanded by 25 percent, then 25 percent of the site must be brought up to the standards required by this document.

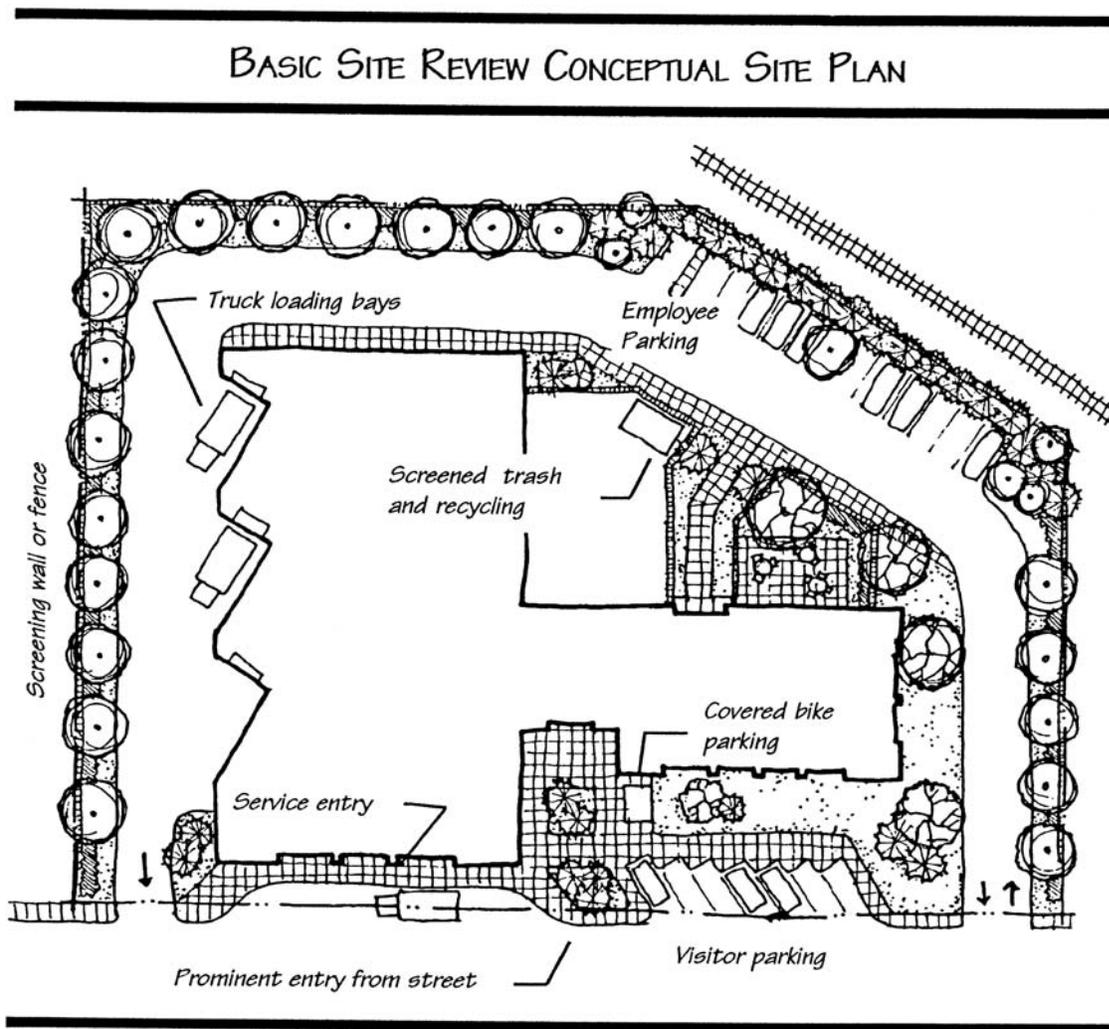


Figure 18-4.2.040.B
Basic Site Review Conceptual Site Plan

- C. **Detailed Site Review Standards.** Development that is within the Detail Site Review overlay shall, in addition to the complying with the standards for Basic Site Review in 18-4.2.040.B, above, conform to the following standards. See conceptual site plan of detail site review development in Figure 18-4.2.040.C.1 and maps of the Detail Site Review overlay in Figures 18-4.2.040.C.2-5.

1. Orientation and Scale.

- a. Developments shall have a minimum Floor Area Ratio (FAR) of 0.50. Where a site is one-half an acre or greater in size, the FAR requirement may be met through a phased development plan or a shadow plan that demonstrates how development may be intensified over time to meet the minimum FAR. See shadow plan example in Figure 18-4.2.040.C.1.a. Plazas and pedestrian areas shall count as floor area for the purposes of meeting the minimum FAR.

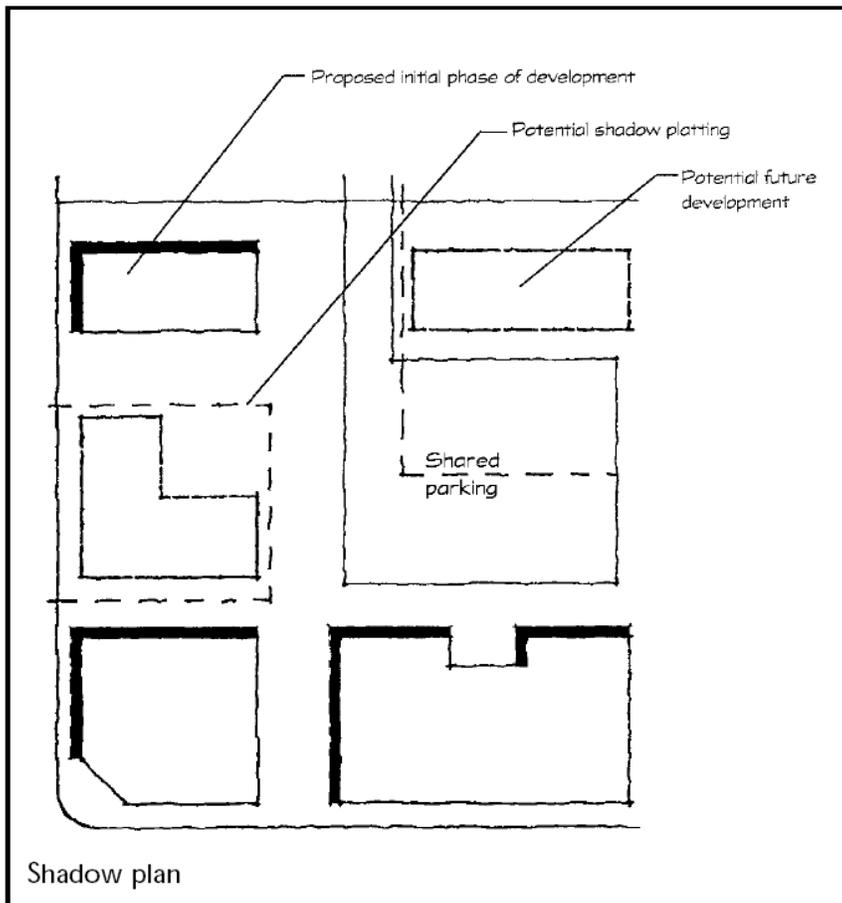


Figure 18-4.2.040.C.1.a
Shadow Plan

- b. Building frontages greater than 100 feet in length shall have offsets, jogs, or have other distinctive changes in the building façade.
- c. Any wall that is within 30 feet of the street, plaza, or other public open space shall contain at least 20 percent of the wall area facing the street in display areas, windows, or doorways. Windows must allow view into working areas, lobbies, pedestrian entrances, or displays areas. Blank walls within 30 feet of the street are prohibited. Up to 40 percent of the length of the building perimeter can be exempted for this standard if oriented toward loading or service areas.

18-4.2 – Building Placement, Orientation, and Design

- d. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.
- e. Infill or buildings, adjacent to public sidewalks, in existing parking lots is encouraged and desirable.
- f. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

2. Streetscape.

- a. Hardscape (paving material) shall be utilized to designate “people” areas. Sample materials could be unit masonry, scored and colored concrete, grasscrete, or combinations of the above.
- b. A building shall be setback not more than five feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement. This standard shall apply to both street frontages on corner lots. If more than one structure is proposed for a site, at least 65 percent of the aggregate building frontage shall be within five feet of the sidewalk.

3. Buffering and Screening.

- a. Landscape buffers and screening shall be located between incompatible uses on an adjacent lot. Those buffers can consist of either plant material or building materials and must be compatible with proposed buildings.
- b. Parking lots shall be buffered from the main street, cross streets, and screened from residentially zoned land.

4. Building Materials.

- a. Buildings shall include changes in relief such as cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.
- b. Bright or neon paint colors used extensively to attract attention to the building or use are prohibited. Buildings may not incorporate glass as a majority of the building skin.

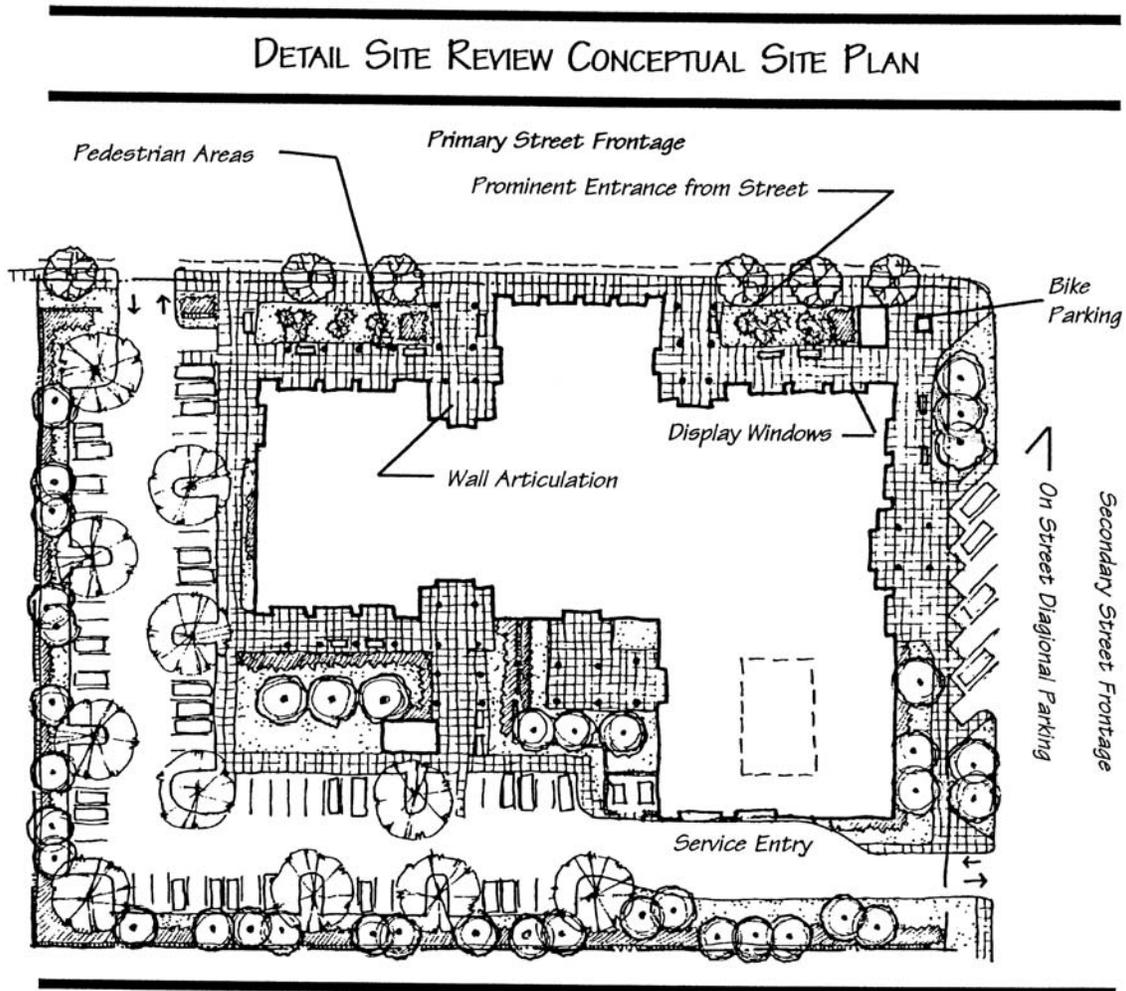


Figure 18-4.2-040.C.1
Detail Site Review Conceptual Site Plan

Memo

DATE: July 22, 2014

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Unified Land Use Ordinance (ULUO) Public Hearing Materials

SUMMARY

The ULUO is scheduled for a public hearing at the Planning Commission on July 22, 2014. The ULUO was distributed at the July 8 meeting. Attached is a table summarizing the proposed ordinance amendments included in the ULUO. A staff report covering the project background and legislative procedure will be distributed later this week.

BACKGROUND

The ULUO Amendment Matrix is divided into six sections – substantive amendments, development and design standards, procedures, new language for standardization, housekeeping, and new graphics.

Staff recommends focusing on Section 1: Substantive Amendments in the ULUO Amendment Matrix. The amendments in this section could be perceived as significant policy changes. Most of the substantive amendments are from three sources – the 2006 Land Use Ordinance Review by Siegel Planning Services, LLC, the green development evaluation, and the procedures evaluation. Staff added a fourth “other” category under the substantive amendments. These issues are related to the other substantive amendments identified in the ordinance review or evaluations, or were issues involved in past appeals.

All of the amendments in the matrix were noted (i.e., comment boxes and highlighting) in the previous drafts of the ULUO that the Planning Commission reviewed and discussed in meetings from September 2012 thru July 2014. The ULUO drafts as well as the meeting materials are available on the project web page www.ashland.or.us/unifiedcode.

The ULUO Amendment Matrix is longer than the previous version of the table because the new and amended definitions were added. Again, the new and amended definitions were noted in the ULUO drafts that the Planning Commission reviewed and discussed in previous meetings. There are no new changes to the definitions.

ATTACHMENTS

1. ULUO Amendment Matrix



TABLE OF CONTENTS
Land Use Ordinance Amendments

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SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
2006 LAND USE ORDINANCE REVIEW BY SIEGEL PLANNING SERVICES LLC				
Discontinuation of nonconforming use	Unified: 18-1.4.020.C Existing: 18-1.4.020.C	A nonconforming use that is discontinued for more than <u>6 months</u> is considered abandoned and no longer allowed, unless a conditional use permit is approved.	A nonconforming use that is discontinued for more than <u>12 months</u> is considered abandoned and no longer allowed, unless a conditional use permit is approved.	Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review. State model code suggests 12 to 18 months.
Accessory residential units (ARU's)	Unified: Table 18-2.2.030 18-2.3.040 Existing: 18.16.030.J 18.20.030.H 18.24.040.A.1.a 18.28.040.A.1.a	<ul style="list-style-type: none"> Requires <u>conditional use permit</u> in rural residential (RR) and single-family residential (R-1) zones. Requires <u>site design review</u> in multi-family zones (R-2 and R-3). 	Requires <u>site design review</u> in single-family residential and multi-family residential zones (RR, R-1, R-2, and R-3).	A conditional use permit would no longer be required for an accessory residential unit in the R-1 zones. Amendment per Planning commission review and discussion of policy issues in the 2006 Land Use Ordinance Review. Also, change has been discussed by the Planning and Housing Commissions as an infill and affordable housing strategy.
Residential uses in commercial and employment zones (C-1, C-1-D, and E-1) in developments with more than one building on the same site	Unified: Table 18-2.6.030 18-2.3.130 18-3.13.010.C.1 Existing: 18.32.025.D 18.56.050.A	If there are multiple buildings being developed, at least 50% of the total lot area shall be designated for non-residential permitted uses.	If there are multiple buildings on a site, <u>not more than 50%</u> of the total lot area, <u>including accessory uses such a parking, landscaping and public space</u> , shall be designated for <u>residential uses</u> . <u>The remaining square</u>	Amendment per Planning Commission review and discussion of policy issues from the 2006 Land Use Ordinance Review.

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<u>footage in single or multiple buildings shall be designated for non-residential uses.</u>	
Building separation	Unified: Table 18-2.5.030.A Existing: 18.22.040.E 18.24.040.E 18.28.040.E 18.88.070	In the R-2 and R-3 zones: <ul style="list-style-type: none"> • 10 feet required between principal building and accessory building. • 50% of the sum of both buildings or 12 feet, whichever is greater, required between principal buildings. • 20 feet required between principal buildings accessed by shared court. In the single-family zones (R-1, RR, and WR), building separation requirement is limited to standard side yard setbacks, except lots created as part of subdivision under the performance standards option (18-3.9) require a building separation.	In the R-2 and R-3 zones: <ul style="list-style-type: none"> • Minimum separation between principal buildings equals half 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. • Accessory building minimum separation governed by Building Code. 	Amendment provides consistency between zones, as well as more flexibility in building placement in the R-2 and R-3 zones. The existing distance between buildings setback is a potential barrier (i.e., variance application) to developments using separate buildings, such as cottage housing.
Minimum lot size for corner lots in the R-1-5 zone (single-family)	Unified: Table 18-2.5.030.A Existing:	In the R-1-5 zone, the minimum lot size for a corner lot is <u>6,000 square feet</u> and minimum lot width is <u>60 feet</u> .	In the R-1-5 zone, the minimum lot size for a corner lot is <u>5,000 square feet</u> and minimum lot width is <u>50 feet</u>	Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	18.20.040.A		(i.e., same size requirements as for interior lots).	Ordinance Review.
Front porch setback in single-family zone (R-1) and multi-family zones (R-2 and R-3)	Unified: Table 18-2.5.030.A Existing: 18.20.040.D 18.24.040.D 18.28.040.D	<ul style="list-style-type: none"> <u>In R-1 zone, 8 feet</u> is required between an unenclosed porch and front property line. In the <u>R-2 and R-3 zones</u> outside the Historic District overlay, <u>10 feet</u> is required between an unenclosed porch and front property line. 	<u>8 feet</u> or width of existing public utility easement whichever is greater, is required between an unenclosed porch and front property line in R-1 zone, and in R-2 and R-3 zones outside the Historic District overlay.	8 feet would be required setback to unenclosed front process in all zones - changed for consistency between the zones. Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review.
Porous pavement exemption from lot coverage for residential zones	Unified: Table 18-2.5.30.A Table 18-2.5.030.B Table 18-2.5.030.C Existing: 18.08.160	No exemptions in place - lot coverage includes everything except landscaping (e.g., buildings, parking areas, driveways, and other solid surfaces that do not allow normal water infiltration to the ground). Single and multi-family residential zones include a maximum percentage of a site that can be covered, which ranges from 7% to 75%.	200 square feet or 5% of lot coverage, whichever is greater, developed in a porous solid surface that allows storm water infiltration is exempt from the lot coverage maximum; the porous solid surface exemption does not apply to driveways and parking areas.	Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review. Language excluding driveways and parking suggested by focus group and directed by Planning Commission.
Setbacks in commercial and employment zones (C-1, C-1-D, and E-1) from abutting residential zones	Unified: Table 18-2.6.030 Existing: 18.32.040 18.40.050	<ul style="list-style-type: none"> In the C-1 and C-1-D zones, required setbacks from residential zones are <u>10 feet per story for rear yards and 10 feet for side yards.</u> 	In C-1, C-1-D, and E-1 zones, <u>a 5 feet per story setback</u> is required for side and rear yards abutting a residential zone	Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review.

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		<ul style="list-style-type: none"> In the E-1 zone, required setback from residential zone is <u>10 feet per story for side and rear yards.</u> 		
Building height in the commercial zones (C-1 and C-1-D)	Unified: Table 18-2.6.030 Existing: 18.32.040.B	Maximum building height is 40 feet, except buildings greater than 40 feet and less than 55 feet may be permitted as a conditional use in the C-1-D (downtown).	Maximum building height is 40 feet, except: <ul style="list-style-type: none"> <u>Where more than 100 feet from a residential zone, buildings can be greater than 40 feet and less than 55 feet in height.</u> In the C-1-D zone where located within 100 feet of residential zone, buildings greater than 40 feet and less than 55 feet may be permitted as a conditional use. 	Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review.
Commercial zone (C-1) exemption from solar setback	Unified: Table 18-2.6.030 Existing: 18.32.050.C 18.53.050	Properties in the downtown and Croman Mill zones (C-1-D and CM) are exempt from the solar setback requirements.	Add C-1 zone to exemption from solar setback requirements, except where buildings are within 100 feet of a residential zone.	Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review.
Affordable housing density bonus	Unified: 18-2.5.080.F.3.d 18-3.9.050.B.4 Existing: 18.24.040.B.3.d	<ul style="list-style-type: none"> In R-2 and R-3 zones, for every percent of units that are affordable, an equivalent percentage of density bonus is allowed up to a maximum <u>25%</u> 	<ul style="list-style-type: none"> Changes affordable housing density bonus calculation to <u>for every affordable unit provided, a density bonus of two market</u> 	Increases density bonus for affordable housing from an equivalent percentage to a 2:1 bonus. Also provides consistency

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	18.28.040.B.3.d 18.88.040.B.3.d	bonus. • In subdivisions under the performance standards option (18-3.9), for every percent of units that are affordable, an equivalent percentage of density bonus is allowed up to a maximum <u>35%</u> bonus.	<u>rate units is allowed.</u> • The maximum bonus for affordable housing is <u>35%</u> , whether a multi-family development located on one lot or a performance standards subdivision.	in the maximum density bonus for affordable housing for developments in R-2 and R-3 zones. Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review.
Lot coverage in North Mountain Neighborhood Central Zone (NM-C)	Unified: Table 18-3.5.060 Existing: 18.30.030.G	Maximum lot coverage is <u>75%</u> .	Maximum lot coverage is <u>80%</u> .	Amendment per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review.
Conditional use permit approval criteria – evaluating concentration of conditional uses	Unified: 18-5.4.050.A.3.f Existing: 18.104.050.C.7	One of the factors for evaluating the effect of a proposed conditional use on the impact area is the development of adjacent properties as envisioned in the Comprehensive Plan.	Language added allowing the impact on the development of adjacent properties to be evaluated in terms of the cumulative effect of the proposed conditional use with other conditional uses in the vicinity of the site. The cumulative effect is measured by evaluating the concentration of conditional uses within 500 feet of the subject site.	Amendment made per Planning Commission review and discussion of policy issues in the 2006 Land Use Ordinance Review. This issue was also recently discussed in the review of the traveler's accommodation ordinance.
GREEN DEVELOPMENT EVALUATION				
Cottage housing in single-family residential zones (R-1	Unified: Table 18-2.2.030	Existing development and design standards in the multi-	In the R-1 and R-1-3.5 zones, subdivisions under the	Cottage housing developments are a group

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
and R-1-3.5)	18-2.3.090 18-3.9.050.B.5 Existing: N/A	family zones (R-2 and R-3) allow for cottage housing.	performance standards option in Ch. 18-3.9 can develop two cottage units in place of each single-family unit allowed if the development meets a set of cottage housing standards in 18-2.3.090. Some of the key standards are: <ul style="list-style-type: none"> • Developments must include a minimum of 4 and a maximum of 16 cottages, and be at least 1,000 feet from any other cottage housing developments. • Maximum gross floor area for a cottage is 800 square feet. • Maximum building height is 1 ½ stories and 25 feet to the ridge of the roof. • Up to two cottages can be attached. • Lot coverage must meet that of the underlying zone. • 1.25 parking spaces required per cottage. • Parking is 	of small cottages oriented around an open space with consolidated parking. Amendment per Planning Commission review and discussion of the green development evaluation. The evaluation recommended adopting a cottage housing ordinance as a tool for encouraging compatible infill development in existing areas to conserve land and promote walkability and transportation efficiency. Also, 2006 Land Use Ordinance Review suggests cottage housing as “an innovative housing type” to address scale and character issues in existing neighborhoods.

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			consolidated in a surface parking area or common structure. <ul style="list-style-type: none"> • A minimum of 20% of the total lot area requires as common open space, and each cottage must have at least 300 square feet of usable private open space. 	
Solar orientation standards	Unified: 18-4.8.050 Existing: VIII-C-9, Section VIII Croman Mill District Standards, Site Design and Use Standards	In the Croman Mill district, incorporate passive and active solar strategies in the design and orientation of buildings and habitable spaces. When site and location permit, orient the building with long sides facing north and south.	Land divisions in residential zones shall meet the following solar orientation standards where site and location permit: <ul style="list-style-type: none"> • Layout new streets as close as possible to a north-south and east-west axis so that lots and buildings with the street network have south facing sides for maximum solar access. • Orient buildings so that the long sides face north and south. • Design habitable structures so primary living spaces are located on south sides of buildings. 	Amendment made per Planning Commission review and discussion of the green development evaluation. Focus group raised concerns about reserving 30 percent of roof area for solar collection in terms of impact on building design (e.g., use of dormers).

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<ul style="list-style-type: none"> Design habitable structures so that 30 percent of the roof area faces within 15 degrees of south in order to provide surface area for solar collection. 	
PROCEDURES EVALUATION				
Planning approval expiration	Unified: 18-1.6.030.A Existing: 18.112.030 18.76.075 18.88.030.B.3	<ul style="list-style-type: none"> Planning approval revoked within one year from date of approval, unless otherwise specified in code. Partition approvals expire if the final plat is not signed within 18 months of the preliminary approval. Outline plan for subdivisions using the performance standards option expires if final plan approval is not approved within 18 months from date of the approved outline plan. 	Timeline extended so all planning approvals expire 18 months from date of approval.	Amendment made per Planning Commission review and discussion of the procedures evaluation. The evaluation recommended extending the approval and extension time periods for planning approvals to add flexibility for applicants and save costs in renewing permits.
Planning approval extension	Unified: 18-1.6.040.A Existing: 18.112.035	One extension of any planning approval can be granted for 18 months .	One extension of any planning approval can be granted for 24 months .	Amendment made per the Planning Commission review and discussion of the procedures evaluation. The evaluation

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
				recommended extending the approval and extension time periods for planning approvals to add flexibility for applicants and save costs in renewing permits.
Effective date of Type II decision	Unified: 18-5.1.060.F Existing: 18.108.070.B.3.a	Type II decision becomes final 13 days after the City mails the notice of decision (i.e., adopted and signed findings).	Type II decision becomes final 10 days after the City mails the notice of decision.	Amendment made per Planning Commission review and discussion of procedures evaluation. The evaluation recommended matching the state requirement of 10 days (ORS 197.763) to provide more timely decisions.
Site design review threshold for Type II	Unified: 18-5.2.030.B Existing: 18.108.040.A.1	For basic site design review, public hearing required for structures larger than 10,000 sq. ft. or additions of more than 20% of existing buildings square footage.	For basic site design review, public hearing required for structures larger than 15,000 sq. ft. or additions of more than 50% of existing buildings square footage.	Basic site design review applies to commercial and employment development located outside of downtown or detail site review overlays. Amendment made per Planning Commission discussion of procedures evaluation. The evaluation recommended using the Type I review to provide a more expedited and less resource intensive procedure for economic

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
				development projects.
OTHER				
Vision clearance requirements in the downtown commercial zone (C-1-D)	Unified: 18-2.4.040.B Existing: 18.68.020.B	Development in the commercial, employment, and Croman Mill (C-1, E-1, and CM) zones is exempt from the vision clearance requirements.	C-1-D is added to list of commercial and employment zones exempted from vision clearance requirements.	
Building height exemption in commercial and employment zones (C-1 , C-1-D, E-1, and M-1)	Unified: Table 18-2.6.030 Existing: 18.32.040.B 18.40.050.C VIII-B-9.3, Section VIII Croman Mill District Standards, Site Design and Use Standards	In the Croman Mill district, parapets may be erected up to 5 feet above the calculated building height	<u>In the C-1, C-1-D, E-1, and M-1 zones, parapets may be erected up to 3 feet above the maximum building height.</u>	Issue raised by focus group to address building code requirements for fire separation of zero-lot line buildings (e.g., downtown). Also used to screen roof-top mechanical equipment.
Large scale development - building separation	Unified: 18-4.2.040.D.1.b Existing: II-C-3a)3., Section II-C-3 Additional Standards for Large Scale Projects, Site Design and Use Standards	Buildings not connected by a common wall shall be separated by a distance equal to the height of the tallest building. If buildings are more than 240 feet in length, the separation shall be 60 feet.	Buildings <u>located on the same parcel and not</u> connected by a common wall shall be separated by a distance equal to the height of the tallest building. If buildings are more than 240 feet in length, the separation shall be 60 feet.	Large scale standards apply to non-residential developments greater than 10,000 square feet in size or 100 feet in length in the detail site review overlay. While building separation may work on larger commonly owned sites, it is problematic on smaller lots with different ownership (e.g. downtown).

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
				<p>Additionally, large gaps between buildings in the downtown are contrary to creating a street wall and pedestrian environment, disrupt the historic development pattern, could result in difficulties meeting minimum FAR requirements, and could result in the placement of parking between buildings.</p> <p>Issue also raised by focus group.</p>
Large scale development - plaza/public space requirement	<p>Unified: 18-4.2.040.D.2.a</p> <p>Existing: II-C-3b)1, Section II-C-3 Additional Standards for Large Scale Projects, Site Design and Use Standards</p>	One square foot of plaza or public space shall be required for every 10 square feet of gross floor area.	One square foot of plaza or public space shall be required for every 10 square feet of gross floor area, <u>except for the fourth floor.</u>	Large scale standards apply to non-residential developments greater than 10,000 square feet in size or 100 feet in length in the detail site review overlay. Concern raised at focus group meeting that the plaza/public space requirement is a disincentive to adding a fourth story to buildings, as allowed by amendment allowing up to 55 feet in building height in C-1, C-1-D, and E-1 zones.

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Variance approval criteria	Unified: 18-5.5.050 Existing: 18.100.020	Existing variance approval criteria: 1. A unique or unusual circumstance which applies to site. 2. Benefits of the proposal will be greater than any negative impacts, and the proposal will further the purpose and intent of the land use ordinance and comprehensive plan. 3. The circumstances or conditions have not been willfully or purposely self-imposed.	Amended variance approval criteria: 1. (revised) The variance is necessary because the subject code provision does not account for special or unique physical circumstance of the subject site. 2. (stays the same.) 3. (revised) The need for the variance is not self-imposed by the applicant or property owner. 4. (new) The variance is the minimum necessary to address the special or unique physical circumstance related to the subject site.	The edits and additions are suggested to clarify the variance requirements while balancing flexibility with predictably in decision making. The new language is based on the state model code.
Hotel and Motel (definition)	Unified: 18-6.1.030 Existing: 18.08.320 18.08.510	<ul style="list-style-type: none"> • Hotel - A building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms. • Motel - A building or group of buildings on the same lot containing guest units for rental to 	Hotel/Motel - A building or portion thereof designed and used for occupancy of transient individuals for a period of less than 30 days, lodged with or without meals and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and	The definitions of hotel and motel are combined to represent contemporary transient accommodations. The existing definitions of hotel and motel are based on historical differences between the two types of buildings/facilities, but over time the distinctions have diminished. The revised

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		transients, with separate entrances directly exterior and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities.	recreational facilities. (See ORS 446.310)	<p>definition is based on the state model code.</p> <p>The policy implication of combining the definitions of hotel and motel, and eliminating the defined differences between hotel and motel uses/structures is that there will be more flexibility to apply for a conditional use permit to use individual residential units for transient lodging in commercial and employment zones.</p> <p>In 2005, the City Council denied an application for a conditional use permit to use a third-floor residential unit as a hotel/motel in the downtown. The denial was based on that the proposed use and existing structure did not meet the definition for a hotel or motel. Specifically, the Council found that: 1) the subject unit could not be considered a hotel unit</p>

SECTION 1: SUBSTANTIVE AMENDMENTS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
				because the unit included a kitchen and therefore provisions for cooking in the lodging room; and 2) the subject unit could not be considered a motel because it was a single unit that didn't exit directly exterior and there was no onsite manager.

SECTION 2: DEVELOPMENT AND DESIGN STANDARDS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Nonconforming use – building expansion	Unified: 18-1.4.020.B Existing: N/A	Expansion of a building housing a nonconforming use is not addressed.	Allows a structure that houses a nonconforming use to be expanded up to 50% of the building square footage with a CUP.	
Nonconforming structures - garages and sheds	Unified: 18-1.4.030.A.3 Existing: 18.68.090.A.2	A conditional use permit is required to reconstruct nonconforming structures.	Allow rebuild of garages and sheds with building permit as long as three-dimensional shape (mass, volume, height, and footprint) and use do not change. Reconstruction of other types of nonconforming structures would continue to require a conditional use permit.	Garages and sheds in historic areas often don't meet existing zoning requirements, but serve a key function for the properties. Additionally, rebuilding to meet existing standards is often difficult because of lot size or configuration. This would allow garages and sheds to be rebuilt in the historic form without having to obtain a conditional use permit approval.
Nonconforming developments	Unified: 18-1.4.040 Existing: II-C-1g, Section C Commercial, Employment and Industrial Development, Site Design and Use Standards	Nonresidential, nonconforming development requiring site review approval must bring an equal percentage of the building or site (e.g. landscaping, parking areas) into compliance with the standards as the percentage of building expansion.	Adds: <ul style="list-style-type: none"> • Exempts repair and maintenance if development is not enlarged or altered in a way that brings site less in conformity with the ordinance. • A nonconforming development damaged by catastrophe may be 	Existing standard applies to nonresidential development whereas the proposed amendment would apply to residential and nonresidential developments.

SECTION 2: DEVELOPMENT AND DESIGN STANDARDS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			reconstructed. <ul style="list-style-type: none"> Conditional use permit required for enlarging or altering a nonconforming development, except for non-residential, nonconforming development subject to Site Design Review subject to 18-4.2.040.B.6. Nonconforming access or driveway may be required to be brought into conformance as part of a planning application approval. 	
Temporary uses	Unified: 18-2.2.030.H.1 Existing: 18.08.800	Temporary use requires a conditional use permit in all residential and commercial zoning districts.	<ul style="list-style-type: none"> A conditional use permit continues to be required for most short-term, seasonal, reoccurring, or intermittent uses. Short-term events occurring only once in a calendar year and 72 hours or less including set up and take down may be approved by Staff Advisor through a Ministerial review. 	The time and resources required for a conditional use permit can be cost prohibitive for weekend and holiday events and celebrations.
Accessory residential units	Unified:	Parking and driveways are	Exempts ARU parking and	Staff recommendation.

SECTION 2: DEVELOPMENT AND DESIGN STANDARDS

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
(ARU's) – parking and driveways	18-2.3.040 Existing: 18.92.080..E 18.16.030.J 18.20.030.H 18.24.040.A.1.a 18.28.040.A.1.a	required to be paved.	driveways from the paving requirements.	ARU's are intended to provide small units that blend in with single-family neighborhoods and supplement affordable housing. Paving of established parking and driveways for the addition of an ARU can be cost prohibitive and disruptive to the site and surrounding neighborhood character.
Required parking for temporary uses	Unified: Table 18-4.3.040 Existing: N/A	N/A	Parking standards for temporary uses are the same as for the primary use, except that the city reviewing authority may reduce or waive certain development and design standards for temporary uses.	
Temporary buildings during construction	Unified: 18-2.2.030.H.3 Existing: 18.84.080.C	A manufactured housing unit may be occupied during construction in conjunction with the applicant's residence for up to 90 days, unless longer period approved by Staff Advisor.	A manufactured housing unit or similar structure may be used in conjunction with construction for up to 90 days, unless longer period approved by Staff Advisor.	Amendments to temporary building section adds ability to use other types of temporary structures like RV's, and allows temporary structure in conjunction with any type of construction project to allow for buildings like a job trailer.
Duplex	Unified:	<ul style="list-style-type: none"> In the R-1-5, R-1-7.5, 	<ul style="list-style-type: none"> Allows duplexes on 	<ul style="list-style-type: none"> Staff's research

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	Table 18-2.2.030 18-2.3.110 Existing: 18.20.020.B	and R-1-10 zones, duplexes are allowed on vacant corner lots created by partition after 1979. <ul style="list-style-type: none"> • Duplexes are allowed in the R-1-3.5, R-2, and R-3 zones as a permitted use. 	corner lots in the single-family residential zones (R-1) in subdivisions under the performance standards option in 18-3.9. <ul style="list-style-type: none"> • Duplexes remain a permitted use in the R-1-3.5, R-2, and R-3 zones. 	determined no vacant corner lots created by a partition after 1979 are still in existence. As a result, this provision is deleted because it no longer applies. Instead a provision is added allowing duplexes in R-1 performance standards subdivisions.
Home occupation	Unified: Table 18-2.2.030 18-2.3.150 Existing: Chapter 18.94	Home occupations are permitted in all residential zones.	Also allow home occupations in the commercial and employment zones (C-1, C-1-D, and E-1) in conjunction with a residential unit.	
Manufactured homes on individual lot	Unified: 18-2.3.170 Existing: 18.20.020.H	Requires manufactured homes on individual lots to meet ten standards intended for compatibility with surrounding residential neighborhoods (e.g., size, roof pitch building materials, foundation skirt)	<ul style="list-style-type: none"> • Requirement to build a separate garage or shed is deleted. While single-family homes are required to provide off-street parking spaces, there is no requirement to build a garage, carport, or similar structure. • Width requirement of 28 feet is deleted because it is not consistent with ORS placement 	ORS 197.307(8) includes placement standards for manufactured homes on individual lots that local governments can adopt for consistency with ORS 197.314. While the City's standards are largely consistent with the placement standards, the Housing Commission and Planning Commission suggested amending the garage and shed

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			<p>standards.</p> <ul style="list-style-type: none"> Requirement to locate on slopes 10% or less is deleted because it is not consistent with ORS placement standards. Language prescribing wood or wood product siding is deleted because it is not consistent with ORS placement standards. Replaced with requirement to use similar or superior exterior siding and roof material as used on nearby residences. 	<p>requirement so the standards are similar to those for single-family homes.</p>
<p>Manufactured housing developments</p>	<p>Unified: 18-2.3.180</p> <p>Existing: 18.84</p>	<ul style="list-style-type: none"> Interior side and rear yards required to be a minimum of 6 feet, with a separation of at least 12 feet between units. 20 feet required from any street or exterior property line. 	<ul style="list-style-type: none"> Interior side and rear yards required to be a minimum of 5 feet, with a separation of at least 10 feet between units. Same setbacks as required in the parent zone for exterior boundaries. 	<ul style="list-style-type: none"> Interior side and rear yards changed for consistency with ORS 446.100. Setback to exterior boundaries is amended for consistency with subdivision requirements.
<p>Manufactured housing development – play area</p>	<p>18-2.3-180.D.13</p> <p>Existing: N/A</p>	<p>N/A</p>	<p>If the park is not limited to adults, a play area for children less than 14 years of age a minimum of 2,500 square feet in size or 100</p>	<p>Added for consistency with ORS 446.095.</p>

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			square feet of play area per unit, whichever is greater, is required.	
Vision clearance area requirements	Unified: 18-2.4.040 Existing: 18.68.020.C	Street trees exceeding 2.5 feet in height may be located in the vision clearance area, provided all branches and foliage are removed to 8 feet above the grade.	<ul style="list-style-type: none"> • <u>Street lights, posts or poles supporting street signs, traffic control signs or devices, utility poles, on-street parking</u>, and street trees exceeding 2.5 feet may be located in vision clearance areas, <u>unless the cumulative impact of the placement results in an obstruction to vision.</u> • Street trees shall be trimmed so that branches and foliage are 8 feet above grade. 	New language from state model code.
Half-story rear yard setback	Unified: Table 18-2.5.030.A Existing: 18.08.61	Requires <u>10 feet per half story</u> . A half story is considered a story for the purposes of the rear yard setback, which requires 10 feet per story.	Require <u>5 feet per half story</u> .	This amendment would allow a 1½ story building to be setback 15 from the rear property line rather than 20 feet as currently required.
Side and rear yard exceptions in residential zones for accessory buildings and accessory residential units	Unified: 18-2.5.060.B Existing:	<ul style="list-style-type: none"> • In the North Mountain Neighborhood single and multi-family zones, one-story detached 	<ul style="list-style-type: none"> • <u>Alley setbacks – accessory buildings and accessory residential units that</u> 	North Mountain Neighborhood alley setbacks remain in place.

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	18.30.040.C 18.30.050.C 18.30.060.C 18.68.110	accessory buildings can be 3 feet from the side yard, and one and two-story detached accessory buildings can be 4 feet from a rear property line adjacent to an alley. <ul style="list-style-type: none"> For all residential zones, accessory buildings that are more than 50 feet from a public street other than an alley, a maximum of 15 feet in height and at least 10 feet from other buildings, can reduce the side and rear yards to 3 feet. 	<p><u>are a maximum of 15 feet in height and not attached to any other buildings, can reduce the side yard abutting an alley to 3 feet and rear yards abutting an alley to 4 feet.</u></p> <p><u>Provision does not apply to the primary residence.</u></p> <ul style="list-style-type: none"> Not abutting an alley - accessory buildings that are located more than 50 feet from a public street, a maximum of 15 feet in height and not attached to any other buildings, can reduce side and rear yards to 3 feet. 	Amendment made per Planning Commission discussion of comments from public meetings. The suggestion to allow reduced setbacks on alleys, specifically to allow new structures to be compatible with existing historic development patterns, was made at the Open House meeting in June 2013.
Maximum density bonus in the multi-family residential zones (R-2 and R-3)	Unified: 18-2.5.080.F.2 Existing: 18.24.040.B.2 18.28.040.B.2 18.88.040.B.2	<ul style="list-style-type: none"> In R-2 and R-3 zones, developments on the same lot and not involving a subdivision are allowed <u>a total density bonus of up to 40%</u>. In developments creating separate lots under the performance standards option in Ch. 18-3.9, a 	Developments in R-2 and R-3 zones, whether a multi-family development on the same lot or a development creating separate lots (i.e., subdivision), are allowed a <u>total density bonus of up to 60%</u> .	Provides consistency in the maximum density bonus for developments in R-2 and R-3 zones. The existing ordinance allows up to a 60% bonus for subdivisions in the single-family zones (R-1, RR, WR).

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		<u>total density bonus of up to 60%</u> is allowed.		
Croman Mill potable water standard	Unified: 18-3.2.060.C.8 Existing: VIII-C-8, Section C Green Development Standards, Section VIII Croman Mill District Standards, Site Design and Use Standards	Provide water efficient landscaping that reduces the use of potable water by 50% based on a water budget.	Provide water efficient landscaping that reduces the use of potable water by 50% <u>of baseline</u> . See definition of baseline under water conserving landscaping in 18-6. Baseline is defined as the amount of water required by the site during the peak watering month if water at 100 percent of Reference Evapotranspiration (ETo).	Amendment makes standard more measurable and consistent. Change suggested by the City's Water Conservation Specialist.
North Mountain accessory residential unit (ARU) design standards	Unified: 18-3.5.100.A. 8 Existing: Accessory Residential Units, Section A Housing, Section VII North Mountain Neighborhood Design Standards, Site Design and Use Standards	<ul style="list-style-type: none"> • ARU's shall incorporate considerate design and placement standards. • When adjacent to side property line, the second floor area should be staggered and minimized. • Use of a dormer is an alternative that can be substituted for staggering and minimizing floor area. 	When a detached ARU is adjacent to a residential property: <ul style="list-style-type: none"> • Provide visual buffer using window placement, a sight obscuring fence, and/or vegetation. • Second floor area shall be stepped back an additional 5 feet or contain other detailing to break up the mass of the building. • The step-back standard can be met with the 	

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			addition of a dormer.	
Building design standards for hillside lands	Unified: 18-3.10.090.E.2.c Existing: 18.62.080.E.2.c	Requires a building step back of at least 6 feet on downhill building walls greater than 20 feet in height, as measured above natural grade in hillside lands.	Clarify that decks projecting out from the building wall do not constitute a building step back.	
Expanding nonconforming buildings in water resource protection zones	Unified: 18-3.11.050.A.3.b.ii Existing: 18.63.00.A.3.b	Allows additional stories to be added to nonconforming structures in water resource protection zones if the footprint in the zone is not changed in size or shape.	Clarify that new additions including decks cannot project beyond the building footprint over the water resource protection zone.	
Temporary tree protection fencing in water resource protection zones	Unified: 18-3.11.050.B.3 and 18-3.11.050.C.2 Existing: 18.63.060.B.3 18.63.060.C.2	Fences can be located in the upper half of stream buffer, and in the wetland buffer.	Add provision allowing temporary tree protection fencing in stream and wetland buffers when required in conjunction with construction.	
Mowing and thinning for fire hazard prevention in wetlands	Unified: 18-3.11.050.C.1 Existing: 18.63.060.C.1	Perimeter mowing or thinning of vegetation within the wetland buffer is allowed for fire hazard prevention provided it is the minimum necessary to alleviate the threat.	Add provision allowing mowing and thinning of vegetation in the wetland itself if it is part of an approved wetland mitigation plan, or if it is demonstrated that native vegetation will not be removed.	
Development in Pedestrian Place overlay in residential base zone	Unified: 18-3.12.060.E.2.d and e	<ul style="list-style-type: none"> Buildings shall not be setback more than 5 feet from a public sidewalk 	<ul style="list-style-type: none"> Mixed-use buildings shall not be setback more than 5 feet from a 	To clarify that if property develops solely in residential uses, the

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	Existing: 18.56.040.D	<p>unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement.</p> <ul style="list-style-type: none"> • Developments shall have a minimum FAR of .50. 	<p>public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas, or for a required public utility easement.</p> <ul style="list-style-type: none"> • Mixed-use developments shall have a minimum FAR of .50. 	<p>buildings and intensity should reflect the base residential zone requirements. Standards are intended to apply to buildings and developments including commercial and residential uses.</p>
Build-to line	ULUO: 18-4.2.030.C.3 Existing: N/A	Issue is not clearly addressed outside of specific maximum setback standards.	Specifies that where a build-to line or maximum front setback is required, the building shall comply with the build-to line standard except as otherwise required for clear vision at intersections.	
Adjustments to minimum parking ratios using demand analysis	18-4.3.030.A.3 Existing: 18.92.050	<p>Parking management strategies allow up to a 50% reduction of required off-street parking spaces for a variety of credits including on-street parking spaces, alternative vehicle parking, mixed uses, joint use of facilities, shared parking facilities, TDM plans, and transit facilities.</p>	<p>Add option for adjusting minimum parking ratios through a discretionary parking demand analysis process.</p> <ul style="list-style-type: none"> • Allows applicants to propose a parking standard different than required ratios if supported by a parking demand analysis prepared by a qualified professional. • Parking demand analysis 	<p>Provides for parking flexibility for situations that are not covered by the parking management strategies. For example, it may be useful where occupants of a housing type share vehicles or do not drive.</p>

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			<p>must address the following at a minimum: average parking demand and available supply, shared parking, existing public parking, and transportation options near the site.</p> <ul style="list-style-type: none"> Reviewed by the approval authority through the same review procedure with the project application. 	
Accessible parking spaces	<p>Unified: 18-4.3.050</p> <p>Existing: 18.92.040</p>	Provides table with number of required accessible spaces.	Accessible parking shall be provided consistent with the requirements of the building code.	<p>Deletes the existing language in 18.92.040 Disable Person Parking Places and replaces it with a reference to building code requirements as recommended by the state model code.</p> <p>The required number and type of accessible parking spaces is governed by the state building code, which is more complex than the requirements in the existing land use ordinance. For example, accessible parking is not required for one and two-family</p>

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				<p>dwelling in certain situations.</p> <p>It is generally problematic to try to replicate building code requirements in the land use ordinance because of the complexity of the material and changing requirements. Inconsistencies between building code requirements and the accessible parking requirements in the land use ordinance create confusion for applicants.</p>
Single-family dwelling parking requirements	Unified: 18-4.3.060 Existing: 18.92.050	The amount of parking required for off-street parking may be reduced up to 50% through the application of the following credits.	<u>Except for single-family dwellings</u> , the off-street parking spaces may be reduced through the application of the following credits.	When new single-family homes and parcels are created through a subdivision, the on-street parking spaces are required to be available for guest parking, whether it is an existing or new street. As a result, 2 off-street parking spaces have been required for new single-family homes, though it is not clear in the existing code.
Parking management strategies for off-site shared parking areas	Unified: 18-4.3.060.E	<u>Up to a 50% reduction</u> in required off-street parking is	<u>Up to 100% reduction</u> in required off-street parking is	

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	Existing: 18.92.050.E	allowed for providing spaces in off-site shared parking, or through payment of in-lieu-of-parking fees for common parking.	allowed for providing spaces in off-site shared parking, or through payment of in-lieu-of-parking fees for common parking.	
Minimum number of bicycle parking spaces	Unified: 18-4.3.070.D and E Existing: 18.92.060.C, D, E and F	Requires a minimum of <u>one bicycle parking space</u> for commercial and public uses.	Requires a minimum of <u>two bicycle parking spaces</u> for commercial and public uses.	If properly positioned, the required u-rack provides two spaces because a bicycle fits on each side. Revised requirement of two spaces based on state model code.
Parking area design	Unified: 18-4.3.080.B.4 and 18-4.3.090.B.3.c Existing: 18.92.080.B.4	Threshold for dividing parking areas and providing walkways is 50 spaces or more.	Threshold for dividing and providing walkways through parking areas is having 50 or more parking spaces <u>and including areas where pedestrians have to walk across more than 150 feet.</u>	Revision discussed during review of Pedestrian Places ordinances
Reducing environmental impacts of surface parking	Unified: 18.4.3.080.B.5.a Existing: 18.92.080.B.5.a	Parking areas of more than 7 parking spaces are required to reduce the environmental impacts through a menu of design approaches including: <ul style="list-style-type: none"> • Using light colored pavement. • Providing porous solid surfacing. • Providing at least 50% shade from tree canopy over the parking area 	Language added allowing the city reviewing authority to approve a combination of strategies for parking lots of 50 or more spaces.	Allows larger parking lots that may be broken into distinct areas to use a combination of strategies. The issue was raised at the focus group meeting.

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		surface within 5 years of project occupancy. <ul style="list-style-type: none"> • Provide at least 50% shade for solar energy generating carports, canopies or trellis structures over parking area. 		
Distance between driveways on residential streets	Unified: 18.4.3.080.C.3.c.i Existing: 18.92.080.C.3 and 1, Section VI Driveway Apron and Curb Cuts, Ashland Street Standards	There is overlap in the existing standards. 18.92.080 requires 50 feet between driveways on residential streets, and the street standards require 24 feet between driveway approaches.	Distance between driveways on residential streets: <ul style="list-style-type: none"> • 24 feet for 2 units or fewer per lot. • 50 feet for three or more units per lot. 	Clarifies that the smaller spacing requirement applies to 2 or less units. Typically, less separation is required in single-family developments on the smallest, lowest volume residential street classification.
Vertical clearance for driveway and turn-around design	Unified: 18-4.3.080.D.6 Existing: 18.92.080.D.4	Requires vertical clearance of 13'6" above driveways, aisles, turnaround areas, and ramps.	Language retained, but parking structures are exempt from this requirement because clearance is covered by building code.	
Pedestrian access and circulation	Unified: 18.4.3.090.B.4.a Existing: 18.92.090.B.1	Approval authority can approve walkway abutting driveway at same grade if protected from vehicle maneuvering areas.	Clarifies that reviewing authority may approve walkway at same grade as driveway if distinguished from vehicle maneuvering areas through treatments such as mountable curbs, alternative surface treatment, or a row of decorative bollards.	Revision discussed during review of Pedestrian Places ordinances

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Construction of parking, access, and circulation facilities	Unified: 18.4.3.100 Existing: 18.92.100	Parking, access, and circulation facilities are installed prior to release of a certificate of occupancy or a release of utilities and shall be permanently mandated. However, Staff Advisor may release a temporary certificate of occupancy before installation of the facilities if: <ul style="list-style-type: none"> • Proof that the owner has entered into a contract with a <u>reputable installer to complete the facilities within a specified time and there remains nothing for the owner to do prior to installation</u>, or • The owner has posted a bond to ensure the installation of parking facilities within a specified time. 	Parking, access and circulation facilities are installed prior to release of a certificate of occupancy or a release of utilities and shall be permanently mandated. However, Staff Advisor may release a temporary certificate of occupancy before installation of the facilities if : <ul style="list-style-type: none"> • Proof that the owner has entered into a contract with a <u>qualified, bonded, and insured contractor to complete the facilities, and no other conditions of approval are outstanding</u>, or • The owner has posted a bond to ensure the installation of parking facilities within a specified time. 	
Landscaping requirements – existing trees and shrubs	Unified: 18-4.4.030.C.1 Existing: Site Design and Use Standards	Retain as many exiting healthy trees and shrubs on site as possible.	Add clarification that existing trees and shrubs can be counted toward required landscaping percentages.	

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Landscaping requirements – storm water facilities	Unified: 18-4.4.030.C.2.c Existing: 18.92.080.B.5.B	Parking areas are required to be designed to capture and treat runoff in landscaped medians and bioswales.	Specifies water-tolerant plant species required in storm water facilities.	Language is from state's model code.
Landscape plans - crime prevention and defensible space	Unified: 18-4.4.030.C.2.d Existing: N/A	Site design and use standards introduction discusses crime prevention and defensible space in site analysis and planning, but specific standards do not exist.	Requires landscape plan to provide for crime prevention and defensible space by using low hedges and similar plants that allow natural surveillance of public and semi-public areas, and using impenetrable hedges in areas where physical access is discouraged.	Language is from state's model code.
Minimum tree and shrub sizes	Unified: 18-4.4.030.C.6 Existing: N/A	Site design and use standards require plant coverage of 50% in one year and 90% in 5 years of planting – plant sizes are not specified. AMC 13.16.030 requires street trees to be a minimum of one-inch caliper and eight feet in height.	<ul style="list-style-type: none"> • Trees required must be a minimum of 1½-inch caliper. • Street trees must be a minimum of 2-inch caliper. • Shrubs must be from one gallon containers at a minimum and meet screening requirements if applicable. 	<p>While the existing landscape coverage standard works with projects involving landscape professionals, when an owner does a project by his or her self, plant sizes would be helpful. Language based on state's model code.</p> <p>Staff received a variety of suggestions on the shrub size requirement from the focus groups, staff, and Planning Commission.</p>

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				While the general design professional focus group was concerned about the cost of five gallon shrubs, the landscape design professionals focus group commented that two gallon shrubs are rarely available.
Screening and buffering loading facilities adjacent to residential zones	Unified: 18-4.4.030.G.3 Existing: II-D-2 and II-D-6, Section II.D Parking Lot and Landscaping and Screening Standards, Site Design and Use Standards	Parking abutting a property line is required to be screened. Commercial and industrial service corridors are required to be screened from adjacent residential zones.	Clarifies that loading facilities are also required to be screened from adjacent residential zones.	
Mechanical equipment screening	Unified: 18-4.4.030.G.4 Existing: 18.72.030.B.3.e	Mechanical equipment does not require site design review if it is not visible from the public right-of-way or from an adjacent residential zone. Parabolic disc antennas less than one meter in diameter, private radio and television antennas, and roof-mounted solar collection devices do not have to meet the screening requirement and are also exempt from Site Design Review.	Establishes standards for screening mechanical equipment: <ul style="list-style-type: none"> • Screen by placement of features at least equal in height to the equipment to limit view from public rights-of-way, except alleys, and adjacent residentially -zoned property. • Screening for roof-mounted equipment shall be constructed of materials used in the 	Provides clear methods for screening mechanical equipment, and standard for what is considered “not visible” for the purpose of exempting from site design review.

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			buildings' exterior construction and include features such as a parapet, wall or other sight-blocking features. <ul style="list-style-type: none"> • Use features such as a solid wood fence, masonry wall, or hedge screen to screen mechanical equipment not located on the roof, such as equipment at ground level. 	
Water conserving landscaping design standards	Unified: 18-4.4.030.I.1 Existing: Mandatory Policies, Section III: Water conserving Landscaping Guidelines and Policies, Site Design and Use Standards	Water conserving landscaping is required for commercial, industrial, non-residential, and mixed-use development requiring site design review. Standards address coverage, plant selection, screening, mulch, turf, fountains, berms and raised beds.	Edits/ additions include: <ul style="list-style-type: none"> • Non-drought tolerant variety or species are required to be located in a separate irrigation zone. • Amend soil by adding mature compost at a rate of 3 cubic yards of compost per 1,000 square feet of area to be landscaped and work soil amendment to depth of 4 to 6 inches. This requirement may be waived if landscape area is fenced off, soil tests establish at least three 	Edits are based on feedback from the focus group and discussions with the City's Water Conservation Specialist. Feedback from focus group was to locate soil amendment requirement in water conserving landscape standards because amending the soil is primarily intended to allow soil to hold water longer thereby conserving water.

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			percent organic content, or the area will be used to capture and treat storm water runoff.	
Water conserving irrigation system design standards	Unified: 18-4.4.030.I.2 Existing: Mandatory Policies, Section III: Water conserving Landscaping Guidelines and Policies, Site Design and Use Standards	Irrigation system design standards are part of the water conserving landscaping standards. Standards address technical aspects of irrigation system design such as coverage, precipitation rates, and type of system controller.	Additions include: <ul style="list-style-type: none"> • Separate irrigation zones based on water needs of plantings and type of sprinklers being used. • Equip irrigation zones with pressure regulator valves. • Use controllers with a water budget feature, or the capability of accepting an external rain or soil moisture sensor. 	Additions based on feedback from the focus group and discussions with the City's Water Conservation Specialist.
Exception to water conserving landscaping design standards	Unified: 18-4.4.030.I.3 Existing: Mandatory Policies, Section III: Water conserving Landscaping Guidelines and Policies, Site Design and Use Standards	An alternate landscape design may be proposed if the applicant demonstrates the water use will be equal or less than what would occur if the standards are applied.	An alternate landscape design may be proposed if the applicant demonstrates the water use will be equal or less than what would occur if the standards are applied, <u>and if the proposal meets the criteria for an Exception to the Site Design and Development Standards in 18-5.2.050.E.</u>	Amendment is made for consistency throughout the code. The exception process is used for all adjustments to the site design standards in Part 18-4.
Plant maintenance and dead plants	Unified: 18-4.4.030.J	Landscaping is to be maintained in good condition	Adds 180 days to replace dead plants upon discovery.	

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	Existing: 18.72.110	or otherwise replaced consistent with approved plan.		
Recycling and refuse disposal areas	Unified: 18-4.4.040 Existing: 18.72.115	Developments subject to site design review are required to have a recycling area of equal or greater size to the refuse receptacle, or provide an individual curbside bin for each dwelling unit. Recycling and refuse disposal areas are required to be screened.	Add: Recycling and refuse disposal areas are required to be located to provide truck access and not placed in any required front yard or required landscaped area.	
Outdoor lighting	Unified: 18-4.4.050 Existing: 18.72.140	No direct illumination of any residential zone is allowed from lighting in any other zone.	Guideline added that lighting levels should not be greater than necessary to provide for pedestrian safety, property identification, and crime prevention. The following standards were added: <ul style="list-style-type: none"> • Allows pedestal or bollard style lighting as an alternate method to pedestrian-scale lights for illuminating walkways located inside a development. • Light fixtures cannot obstruct public ways, driveways, or walkways. 	

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			<ul style="list-style-type: none"> • Maintain a minimum vertical clearance of 8 feet to light standard placed over sidewalk or walkway. • Outdoor light fixtures shall be directed downward and have full shielding. 	
Fences and walls - permits	Unified: 18-4.4.060.A Existing: N/A	N/A	A Ministerial permit is required prior to installing any fence or wall. Property owner should obtain a property boundary survey where boundaries are not otherwise identified. City may require installation of screening walls or fences for development subject to a planning action. A building permit may be required for some fences and walls.	To make review procedure clear. Added for consistency with other chapters.
Fences and walls - setbacks	Unified: 18-4.4.060.B.3.a Existing: N/A	N/A	Clarifies that fences and walls meeting height requirements are not required to meet standard front, rear, and side yard setbacks.	
Tree preservation and protection	Unified: 18-4.5.020 Existing:	Tree protection is required with planning actions or building permit.	Tree protection is required for planning actions.	The proposed amendment limits tree protection plans to those developments requiring a planning action,

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	18.61.200			and eliminates the tree protection plan requirement from those projects that simply require a building permit (e.g., home addition). The amendment resolves a conflict in the existing code. Lots occupied only with a detached single-family home and associated accessory structures in residential zones are exempt from the tree removal permit requirements and therefore can remove any type or size tree. These same properties that are allowed to remove trees are also required to address tree protection with any building permit submittals.
Street lights	Unified: 18-4.6.040.D.18 Existing: 18.80.060.G and 18.88.020.K, Required Street Layout and Design Principles, Street Standards	Street lights are required in subdivisions. Place lighting at frequent intervals in retail and commercial areas, but may be limited in residential areas.	Amendment adds the following: <ul style="list-style-type: none"> • Install or relocate streetlights with street improvement projects. • Install streetlights where they will not obstruct public ways, driveways, or walkways – maintain 	Items are currently required with new development, but are not clearly identified in land use ordinance.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			pedestrian through zone for American with Disabilities Act compliance. <ul style="list-style-type: none"> • Streetlights shall conform to city specifications. 	
Street names and signs	Unified: 18-4.6.040.D.22 and 23 Existing: 18.88.060.D	Signs regulating on-street parking are required to be consistent with the street standards and the planning application approval.	Amendment adds the following: <ul style="list-style-type: none"> • Add cross reference to AMC 13.24 on naming of streets. • Add section establishing traffic and street name sign placement approved by the city, and cost of signs required for new development is responsibility of applicant. 	Items are currently required with new development, but are not clearly identified in land use ordinance.
Street connectivity standards	Unified: 18-4.6.040.E Existing: 18.88.020.K, Section II: Connectivity Standards, Street Standards	Existing connectivity standards address a variety of factors including interconnection, efficient land use, integration with major streets, alleys, preserving natural features, off-street connections, and walkable neighborhoods.	Amendment adds the following: <ul style="list-style-type: none"> • Add language addressing connecting to existing and future streets on adjacent lands. • Add language addressing locating and designing streets to intersect as nearly as possible to right angle. 	

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			<ul style="list-style-type: none"> • Add standard regarding adjusting streets for physical constraints for consistency with subsection on Hillside streets and Natural areas. • Add standard regarding traffic calming for consistency and continuity with existing cut-through traffic standard. 	
On-street parking on boulevards and avenues	Unified: 18-4.6.030.G. 1 and 2 Existing: 18.88.020.K, Section III: Design Standards, Street Standards	On-street parking is configured in bays on streets classified as boulevard or avenue.	On-street parking may be provided in bays <u>or a continuous on-street lane</u> on streets classified as a boulevard or avenue.	This change allows the flexibility to have on-street parking in bays or lanes.
Private drive requirements	Unified: 18-4.6.040.G.5 Existing: 18.56.040.D	A private drive is a road in private ownership, not dedicated to the public that <u>serves 3 or less units</u> .	A private drive is a road in private ownership, not dedicated to the public that <u>serves 3 or less lots</u> .	Change clarifies that accessory residential units can be located on flag lots.
Street dedications	Unified: 18-4.6.050.B Existing: 18.82	<ul style="list-style-type: none"> • Requires street dedication when development will increase pedestrian, bicycle, or automobile traffic. 	<ul style="list-style-type: none"> • Update language regarding required dedication of land for streets or greenways to reflect more recent case law which requires 	Existing code does not clearly address the extension of smaller neighborhood streets that are not typically shown on the street dedication map

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		<ul style="list-style-type: none"> Requires dedications for new streets, and to bring existing streets up to current standards. 	<p>dedications and improvements to be roughly proportional to impacts of development.</p> <ul style="list-style-type: none"> Clarify that development must accommodate the continuation and connection of neighborhood streets that are required to serve new development. 	<p>and needed for access to development.</p>
<p>Nonconformities created by street dedication</p>	<p>Unified: 18-4.6.050.C</p> <p>Existing: 18.76.190 18.88.040.A.1</p>	<ul style="list-style-type: none"> Minor partitioning procedures may be waived for street dedications. Density is computed based on the acreage of the project including street dedications in subdivisions under the performance standards option (18-3.9). 	<ul style="list-style-type: none"> When the lot area or setbacks of a lot that conforms to the requirements of the applicable zoning district are reduced by a minor amount as a result of dedication of right-of-way for improvement of a street, the remaining lot is deemed in compliance with the minimum lot size, lot coverage, and yard requirements of the zone. Lots which could be divided prior to the right-of-way dedication shall not be prohibited from such division if the parcel 	<p>Change makes provision apply to standard subdivisions and dedications made as part of improving an existing street. Occasionally, when substandard streets are improved through a grant project or local improvement district, owners are willing to dedicate street right-of-way for amenities like sidewalks. However, the existing code discourages these voluntary contributions because the subtraction of the land area can make lots "nonconforming" by reducing the lot size or</p>

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			size falls below the minimum requirements due to dedication of right-of-way for improvement to a street.	dimensions below the required minimums for the zone.
Ashland Street Corridor standards	Unified: Table 18-4.6.040.K Existing: V-B Sidewalk, Section V, Ashland Street Corridor Standards, Site Design and Use Standards	<ul style="list-style-type: none"> • A 2-foot wide minimum area for street tree placement is required. • A 6-foot wide, textured or scored concrete sidewalk is required in addition to the street tree area. 	<ul style="list-style-type: none"> • A 5 to 8-foot wide minimum area for street tree placement is required. • A 6 to 10-foot wide, textured or scored concrete sidewalk is required in addition to the street tree area. 	Street tree area and sidewalk widths updated for consistency with existing street design standards.
Sanitary sewer and water facilities	Unified: 18-4.6.070 Existing: Throughout code as approval criteria such as land divisions 18.76.050.F and site review 18.72.070.D, 18.68.120	New development requires "adequate public facilities."	Add language clarifying: <ul style="list-style-type: none"> • New development required to connect to the city's water and sanitary sewer system. • New development may be required to size water and sewer lines to accommodate future development within the area as projected by applicable facility master plans; and city may authorize cost-recovery or cost-sharing as provided under state law 	Improvements to sanitary sewer and water facilities may be required to address the impacts of development, but are not clearly identified in land use ordinance.

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			for over-sized lines. <ul style="list-style-type: none"> Development may be restricted by city where deficiency exists and the water or sewer system cannot be rectified by the development. 	
Storm drainage facilities	Unified: 18-4.6.080 Existing: Throughout code as approval criteria such as land divisions 18.76.050.F and site review 18.72.070.D. 18.68.120	New development requires "adequate public facilities."	Add language clarifying: <ul style="list-style-type: none"> New development must provide adequate provisions for storm water management. Drainage facilities are sized to accommodate existing and projected future runoff from upstream drainage area. Downstream drainage facilities provide for storage of additional runoff caused by the development. New development may be required to size storm drainage systems to accommodate future development within the area as projected by applicable facility master plans; and city may authorize cost-recovery 	Improvements to storm drainage facilities may be required to address the impacts of development, but are not clearly identified in land use ordinance.

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			or cost-sharing as provided under state law for over-sized lines. <ul style="list-style-type: none"> New development is required to provide storm water easement where watercourse traverses a proposed development site, as applicable. 	
Underground utilities (electric, communication, lighting)	Unified: 18-4.6.090 Existing: Throughout code as approval criteria such as land divisions 18.76.050.F and site review 18.72.070.D. 18.68.120	New development requires "adequate public facilities."	Add language clarifying: <ul style="list-style-type: none"> New development needs to meet utility provider requirements. City reviews and approves location of surface-mounted facilities. Requires undergrounding of electric, communication, and lighting lines for services to new development. Allows City to waive underground requirement when there are physical constraints or existing development conditions that make placement impractical. 	Undergrounding utilities is standard practice in the city, but not reflected in the land use code.
Signs in HC (health care) zone	Unified: 18-4.7.080	Code doesn't address which sign regulations apply to the	Commercial sign standards apply to HC Zone.	The HC zone includes areas around Ashland

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	Existing: N/A	HC zone.		Hospital, Mountain View Retirement Center (N. Main St./Maple St.), and Mountain Meadows (north end of N. Mountain Ave.).
Sign code enforcement	Unified: N/A Existing: 18.96.160	Staff Advisor enforces the sign code, and Building Official enforces issues related to structural characteristics and safety of signs.	Section is deleted.	The repetitive language is deleted because it is covered in 18-1.6 Zoning Permit Expiration, Extension, and Enforcement.
Solar setback exemption for architectural projections	Unified: 18-4.8.020.B.1 Existing: N/A	Not addressed in existing code.	Rooftop architectural features a maximum of 4 feet in width, such as chimneys and vent pipes, and light poles and flag poles , shall be exempt from the setback standards.	Issue raised by focus group.
Solar setback exception – approval criteria	Unified: 18.4.8.020.C.1 Existing: 18.70.060	The approval criteria for a solar setback variance are: <ul style="list-style-type: none"> • The variance does not preclude the reasonable use of solar energy on the site by future buildings; • The variance does not diminish any substantial solar access which benefits a habitable structure on an adjacent lot; and • There are unique or 	The approval criteria for a solar setback exception are: <ul style="list-style-type: none"> • The exception does not preclude the reasonable use of solar energy (<u>i.e., passive and active solar energy systems</u>) on the site by future <u>habitable</u> buildings; • The variance does not diminish any substantial solar access which benefits a <u>passive or active solar energy</u> 	The Planning Commission recommended adding “passive and active” to make it clear that solar energy can be used by non-mechanical (e.g., south facing windows) and mechanical systems.

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		unusual circumstances that apply to the site which do not typically apply elsewhere.	<p><u>system used by a</u> habitable structure on an adjacent lot; and</p> <ul style="list-style-type: none"> • There are unique or unusual circumstances that apply to the site which do not typically apply elsewhere. 	
Solar access permit for protection from shading by vegetation	Unified: 18-4.8.060 Existing: 18.70.070	Solar access permit for protection of solar energy system from shading by vegetation is required to be recorded on neighboring properties by City.	Retain solar access permit, but delete the requirement to record the solar access restriction on neighboring properties.	Amendment removes requirement to record the vegetation restrictions on neighboring properties. Recording of solar access easement on neighboring properties is legally problematic.
Disc antenna installation requirements	Unified: N/A Existing: 18.72.170	Requires antennas to meet manufacturer's specifications and antennas to be adequately grounded.	Specifics on antenna installation are deleted because it is covered by the Building Code.	

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Ordinance interpretation procedure	Unified: 18-1.5.050 and 060 Existing: 18.108.160 18.12.050	<ul style="list-style-type: none"> • Staff Advisor may interpret an unclear part of land use ordinance or refer the provision to the Planning Commission. • The Staff Advisor's interpretation is forwarded to the Planning Commission, which in turn is forwarded to the Council. The Commission and Council have authority to modify an interpretation. 	<ul style="list-style-type: none"> • If interpretation does not require discretion, it is processed through a ministerial process. A ministerial decision is made by the Staff Advisor and does not require a public notice and public hearing. • If interpretation does require discretion, the Type I process (administrative decision with notice) is used. The interpretation can be called up for review of the Planning Commission, who can modify the interpretation based on the criteria established in the section. • When interpretation may have significant citywide implications, the Staff Advisor may refer the request directly to the Planning Commission and Council using the legislative procedure. 	Current process requirements for an interpretation are unclear and overlapping. The update clarifies and creates three levels of interpretations (i.e., no discretion – Ministerial review, discretion – Type I review, policy implications – Type III review), and is based on the state model code.
Establishes four types of	Unified:	There are <u>six</u> types of	Updates to create <u>four</u> types	Type III and Legislative

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planning procedures	18-5.1.010.B Existing: 18.108.020	planning review procedures – Ministerial, Expedited Land Division, Type I, Type II, Type III, and Legislative.	of planning review procedures – Ministerial (over the counter), Type I (administrative decision with notice), Type II (public hearing), and Type III (legislative decision).	reviews are combined, with quasi-judicial zone and map changes shifted to the Type II category (see below). Expedited land division is included by ORS reference and deleted as a separate review procedure (see below).
Type II review of limited zone changes, and minor map amendments and corrections	Unified: 18-5.1.010.B.3 and 18-5.9.020.A Existing: 18.108.060.C.2	The Planning Commission has the authority to make decisions on zone changes and other map amendments that are not legislative without further action from the Council, unless the decision is appealed.	Applications involving zoning map amendments consistent with the Comprehensive Plan map, or minor map amendments or corrections are subject to a Type II review.	The amendment is intended to clarify the difference between a quasi-judicial and legislative zone and map change. Quasi-judicial zone and map amendments involve one or a few parcels, and are typically initiated by a private citizen. In contrast, legislative amendments are broader in context typically involving numerous parcels, and make law or policy.
Expedited land divisions	Unified: Table 18-5.1.010 Existing: 18.108.030	Outlines when an expedited land division can be done, the procedure, noticing requirements, and effective date for an application.	Deletes section and provides reference to state statute regarding expedited land divisions.	The provision has not been used in Ashland. Staff believes this is because the timeline for a standard partition process in the existing City code is shorter (45 days for a decision) than the Oregon Revised

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				Statutes (ORS) timeline for an expedited land division (63 days for a decision). Providing a reference to ORS is the approach used in the state model code.
Accepting applications for a ministerial review	Unified: 18-5.1.040.A.1 Existing: 18.108.022	Applications that cannot be acted on within 7 days shall not be accepted unless applicant consents to a longer period for action.	Application for ministerial review (e.g. fence permit, home occupation permit, sign permit) shall include applicable forms, property owner signature, and application fee.	Provision for not accepting application that cannot be acted on in 7 days is deleted because the intent is unclear and it limits flexibility in working with applicants to get the required information. The ORS does not include time limits for ministerial permits.
Mailing list for Type I notice of decision	Unified: 18-5.1.050.D Existing: 18.108.040.D	The mailing list for a notice of decision includes occupants of the subject property.	Occupants of the subject property are deleted from the mailing list for the notice of decision.	Amendment to provide consistency with ORS 197.195 and throughout the City's land use ordinance. Currently, the requirement to send mailed notices to occupants of subject properties is not in place for most of the land use notices, including the preceding notice of application for a Type I application.
Effective date of a Type I	Unified: 18-5.1.050.E	Decision is effective on 13th day after notice of decision is	Decision is effective 12 days after the decision is mailed.	Changed for consistency with ORS 227.175.10.a.C.

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	Existing: 18.108.040.D.3	mailed.		
Procedures for continuances and leaving the record open for Type II public hearing	Unified: 18-5.1.060.C.1.e Existing: N/A	N/A	Any participant may ask the hearing authority for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing body. If the hearing authority grants the request, it schedules a date to continue the hearing or leave the record open for additional written evidence.	The procedure for continuances and leaving the record open are added to the ordinance per ORS 197.763(6).
Content of Type II notice of decision	Unified: 18-5.1.060.D.2 Existing: 18.18.070.B.3.a	The findings adopted by the Commission are signed by the Chair and mailed to the parties.	The notice of decision shall include the decision, the findings relied upon in making the decision, conditions of approval, a statement identifying when the period for filing a local appeal has expired, and an explanation that a person who is mailed written notice of decision must file an appeal with the City before a party with standing may appeal to the state Land Use Board of Appeals (LUBA).	Added for consistency with the Type I notice of decision.
Type III application submittal information	Unified: 18-5.1.070.B.2	An application for amendment by a property owner or	An application shall contain the application form, a map or	Added for consistency with the Type I and Type II

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	Existing: 18.108.170.C	resident shall be filed with the Planning Department.	plan as applicable, a written statement or letter explaining how the application satisfies the relevant criteria, information demonstrating compliance with prior decision for the subject site as applicable, the required fee (except when the City initiates the request), and other information deemed necessary to complete the application.	application information.
State noticing requirements for Type III planning applications	Unified: 18-5.1.070.D Existing: 18.108.060.C.1.a	Requires 45 days between the submission of a complete application and the scheduled Commission meeting. State noticing requirement is not mentioned, but this is to allow for the required notice to the Department of Land Conservation and Development (DLCDC).	<ul style="list-style-type: none"> • DLCDC notice time adjusted to 35 days to reflect recent change in Oregon Administrative Rule (OAR) 660-018-0020. • New language added addressing notification requirements of ORS 227.186. 	Provides consistency with state noticing requirements for legislative planning applications
Type III final decision and notice of decision	Unified: 18-5.1.070.E. Existing: 18.108.070.4	The decision of the Council is final when the findings are adopted, signed by the Mayor, and mailed to the parties.	When approved, the decision becomes final and takes effect as specified in the enacting ordinance. When denied, the decision is final the date the decision is made by the Council or mailed to the applicant.	

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			The notice of decision shall be mailed to the applicant, all parties of record, individuals or groups who requested notice of decision, and the DLCD.	
Incomplete applications	Unified: 18-5.1.090 Existing: 18.108.017.A.2	When an application is incomplete, missing information is required to be submitted within <u>31 days</u> .	When an application is incomplete, missing information is required to be submitted with <u>180 days</u> .	Changed for consistency with ORS 227.178(4) and ORS 215.178(4).
Computing time periods	Unified: 18-5.1.090.C Existing: N/A	N/A	<ul style="list-style-type: none"> • In computing time periods for the general review procedures in 18-5.1, the designated time period does not include the date of the action (e.g., appeal time period does not include the day a notice of decision is mailed). • If the time period ends on Saturday, Sunday, or a legal holiday, the period runs until the end of the next day that is not on a weekend or legal holiday. 	
Site design review requirement for change in occupancy for a	Unified: 18-5.2.020.A.7	Site design review required for any change of	Site design review required for any change in use that	Staff recommends deleting change of occupancy

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non-residential use	Existing: 18.108.040.A.1.c.vi	occupancy from a less intensive to a more intensive occupancy, as defined in the building code, or any change in use which requires a greater number of parking spaces.	requires a greater number of parking spaces.	because it is not a good measure of land use changes or impacts. It also involves researching the building code and it is difficult to understand for users.
Site design review requirement for a change in residential use that requires additional parking spaces	Unified: 18-5.2.020.B.5 Existing: N/A	N/A	Except for single-family residential situations, site design review required for a change in residential uses that requires additional parking.	This provision was included in the land use ordinance prior to 2008, and appears to have been inadvertently deleted at that time.
Site design review application review by conservation coordinator	Unified: N/A Existing: 18.72.060.X.3 and 18.72.150	Site design review applications shall provide information on the method and type of energy proposed for heating, cooling and lighting, and the approximate annual amount of energy used per each source and the methods used to make the approximation. Staff Advisor shall forward site review applications to the conservation division for comment. Prior to approval, the conservation coordinator shall provide an oral or written report including an	Deleted.	Pre-applications for site review applications are forwarded to the Conservation Division along with all other City departments. This provides an opportunity to communicate with applicants early in the process regarding energy and water conservation strategies. Additionally, the level of detail required to provide the energy information is typically not known until after the planning application process when the building

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		assessment of the energy use estimates by the applicant, an assessment of the applicant's energy use strategies, and recommendations to the applicant of cost-effective methods to further reduce energy consumption.		design and building permits submittals are prepared. Given the pre-application conference and building permit process, the Conservation Division requested removing this section.
Site design review application submittals	Unified: 18-5.2.040.B.3 Existing: 18.72.060	Site design approval criteria require pedestrian and bicycle circulation and connections, bus facilities, and outdoor lighting, but these items are not specifically addressed in the application requirements.	Site plan is required to include: <ul style="list-style-type: none"> • Pedestrian and bicycle circulation and connections to adjacent properties. • Location of bus stops. • Location of outdoor lighting. • Location of mail boxes. 	Concern was raised by the focus group regarding requiring detailed information at the planning application for lighting. This item was revised to require the location of outdoor lighting, but not the type and height.
Preliminary grading and drainage plan	Unified: 18-5.2.040.B.5 Existing: N/A	N/A	A preliminary grading and drainage plan prepared by an engineer shall be submitted with site design review applications for sites ½ acre and larger, as deemed necessary by the Staff Advisor. Plan shall show the location an extent to which grading will take place, indicating general changes to contour lines, slope ratios,	Staff recommends adding a requirement for a preliminary grading and drainage plan to address significant changes in elevation between the site and the street, and between the site and neighboring properties. Focus group recommended locating erosion materials

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			slope stabilization proposals, location and height of retaining walls if proposed, and temporary and permanent erosion control measures. Surface water detention and treatment plans may also be required.	with the grading plan, rather than with the landscape plan requirements.
Irrigation plan timing	Unified: 18-5.2.040.B.7.a.iii Existing: 18.72.060.T	Irrigation plan required at time of <u>installation</u> .	Irrigation plan required at time of <u>building permit submittals</u> .	Currently, landscape professionals submit irrigation plans with the building permit submittals. This allows the City's Water Conservation Analyst to review plans for compliance with the landscaping standards.
Landscape and irrigation plan requirements for water conserving landscaping	Unified: 18-5.2.040.B.7.b and c Existing: Section III Water Conserving Landscaping Guidelines and Policies, Site Design and Use Standards	When water conserving landscaping is required, a more detailed set of plans is required. (Water conserving landscaping is required for commercial, industrial, mixed-use, and non-residential projects requiring site review approval).	Language updated to reflect current technology, especially as it relates to irrigation systems.	Staff worked with the City's Water Conservation Analyst to update the list of plan requirements. The updated list was also circulated to landscape design professionals and discussed at a landscape design focus group meeting.
Site design review and conditional use permit approval criteria – paved access	Unified: 18-5.2.050.D and 18-5.4.050.A.2	Site design review and conditional use permit approval criteria require	Change approval criteria to "paved access to and <u>throughout</u> the	Makes it clear that intent of the language is regarding internal circulation of

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requirement	Existing: 18.72.070.D site review and 18.104.050.B conditional use permit	"paved access to and <u>through</u> the development."	development."	vehicles within the development.
Public improvement guarantee for site design review	Unified: 18-5.2.060 Existing: N/A	N/A	Public improvements can be guaranteed with a bond or deposit.	Similar to a subdivision, public improvements such as utilities, streets, and open spaces can be guaranteed with a bond or deposit. Often this allows the applicant more flexibility in obtaining building permits so that improvements such as sidewalk installation or open space improvements can be deferred until after construction is completed.
Exception to the Site Development and Design Standards for properties in the downtown design standards zone	Unified: 18-4.2.060.C.11 Existing: Standards VI-K, Section VI Downtown Ashland, Site Design and Use Standards	Outlines exception process for buildings in the downtown design standards zone, using similar criteria to existing Exception to the Site Design and Use Standards.	Separate downtown exception is deleted, and a reference is added to the standard Exception to the Site Development and Design Standards.	
Exceptions and variances to parking, access, and circulation requirements	Unified: 18-4.3.020.D Existing: N/A	N/A	Language added that clarifies that a variance is required to depart from the requirements of the chapter. Also clarifies that the	Clarification carries forward exception or variance process used in existing ordinance. Distinguishing between the applicable exceptions and variances is

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			following sections are subject to the exception process, rather than a variance: <ul style="list-style-type: none"> • breaking up parking lot of 50 or more spaces with plazas, walkways and street-like features (18-4.3.080.B.4) • reducing the adverse environmental impacts of surface parking through design (18-4.3.080.B.5) • pedestrian access and circulation standards (18-4.3.090) 	necessary because Part 18-4 includes parking, tree preservation, and sign standards that require variances in the existing code, and building design, site layout, and landscaping that require an exception.
Exception to the street standards	Unified Code: 18-4.6.020.B.1.b Existing: 18.88.050.F.B	One of the criteria for an exception to the street standards requires that the variance from the street standards "will result in equal or superior transportation facilities and connectivity."	Amendment adds performance measures for evaluating whether the proposed variance provides equal or superior transportation facilities including: <ul style="list-style-type: none"> • For transit facilities, access, wait time, and ride experience. • For pedestrian facilities, feeling of safety, quality of experience, and ability to safely and efficiently cross roadway. • For bicycle facilities, 	Performance measures identified in the adopted Ashland Transportation System Plan, October 2012.

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			feeling of safety and quality of experience and frequency of conflicts with vehicle cross traffic.	
Subdivision phasing	Unified: 18-5.3.030.C Existing: 18.80.050.A and F	The hearing authority for modifications to phasing plans is not clearly addressed.	The Planning Commission approval is required for modifications to phasing plans.	
Partition approval criteria (preliminary plat)	Unified: 18-5.3.050 Existing: 18.76.050 18.76.170	1. Issues are not addressed. 2. Section 18.76.170 outlines street improvements required for lot division on an unimproved street.	1. Criteria added requiring: <ul style="list-style-type: none"> • The partition is consistent with City-adopted subarea or neighborhood plans, and previous land use approvals. • Access to proposed lots conforms to the design standards. • Any required state and federal permits are obtained or can be obtained prior to development. 2. Section deleted because it repeats other criteria in the section.	New criteria added for consistency with subdivision approval criteria.
Number of lots served by a flag driveway – flag lot partition plat criteria	Unified: 18-5.3.060.D Existing:	No more than 2 lots are served by a flag drive.	No more than 2 flag lots are served by the flag drive.	In the existing ordinance, driveway curb cuts are required to be minimized and flag drives are

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	18.76.060.D and H			permitted to be shared by adjacent properties. This allows standards street facing lots that are part of or adjacent to the partition to share the driveway. The word flag drive is added for consistency and clarity.
Final plat requirements	Unified: 18-5.3.090 Existing: 18.76.100 – 130 and 18.80.050	Existing final plat requirements are lengthy detailed and technical information, much of which is out of date. Also, there are inconsistencies between the partition final plat and subdivision final plat chapters.	Final plat requirements are streamlined, and references ORS 92 Subdivisions and Partitions.	The final plat requirements are based on the state model code. Staff worked with the City's engineering and surveying staff on this section.
Re-platting and vacation of plats	Unified: 18-5.3.110 Existing: N/A	N/A	States that same procedure is required for re-plat or vacation of a plat, except for street vacations. Provides a cross reference to AMC 4.18 and ORS 18.271 for street vacations.	Based on state model code.
Property line adjustments	Unified: 18-5.3.120 Existing: 18.76.140	Defines lot line adjustment and requires use of partition process.	Adds submission requirements, approval criteria, and recording requirements for clarity, but the process is unchanged.	Added for consistency with the partition and subdivision sections. New sections based on the state model code.
Nonresidential land division using the performance	Unified: 18-3.9.020	Allows the use of the performance standards option	Add clarification that performance standards option	The existing ordinance does not limit subdivisions under

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
standards options	Existing: 18.88.080	to subdivide properties not included in the overlay area which are environmentally constrained, over two acres in size, or zoned multi-family residential (R-2 and R-3) or Croman Mill (CM).	can be used to subdivide land in nonresidential zones.	the performance standards options to residentially zoned lands – the amendment is a clarification.
Review procedure for conditional use permits	Unified: 18-5.4.030 Existing: 18.108.040.A	Lists uses that are subject to a Type I review, and distinguishes those that are subject to a Type II review.	The list is simplified so that: <ul style="list-style-type: none"> • Type I review includes those actions involving existing structures or additions to existing structures, up to three residential units, temporary uses and government signs. • Type II review includes those actions not listed as a Type I. 	This edit does not change the existing planning review procedures. The list of Type I conditional use permits was expanded in the 2008 update in an attempt to identify all conditional uses. The existing list in 18.108.040.A is incomplete and tends to be confusing. Additionally, it is already covered in Table 2.2.030 Uses Allowed by Zone.
Conditional use permit approval criteria - target use for C-1 (commercial) and E-1 (employment) zones	Unified: 18-5.4.050.A.5 d and f Existing: 18.104.020.B.4 and 6	The target use of C-1 and E-1 property is defined as general retail /office commercial uses developed at an intensity of <u>.35 floor area ratio</u> (FAR).	The target use of C-1 and E-1 property in the detail site review overlay is defined as general retail commercial uses developed at an intensity of <u>.50 FAR</u> .	The amendment is for consistency with the existing standard requiring a minimum FAR of .50 in detail site review overlay.
Conditions of approval for a conditional use permit	Unified: 18-5.4.050.B Existing: 18.104.060	Existing subsection lists a variety of conditions that the approval authority may impose as conditions to a conditional use permit.	Revises one item on list: <ul style="list-style-type: none"> • <u>Architectural design features</u> to minimize environmental impacts such as noise, light, 	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		One item on list is: <ul style="list-style-type: none"> • Regulation of noise, vibration, dust, odors, or similar nuisances. 	glare, and odor. Add three items to possible list of conditions of approval: <ul style="list-style-type: none"> • Limit or set standards for location, type, design, and intensity of outdoor lighting. • Improvements to water, sewer, and storm drainage systems. • May require renewal of conditional use permit annually or in accordance with another timetable. 	
Variance application submission requirements	Unified: 18-5.5.040 Existing: 18.100.020	The owner or his agent may make application with the Staff Advisor. Such application shall be accompanied by a legal description of the property and plans and elevations necessary to show the proposed development.	Lists items required for a variance application including application form, fee, site plan, elevations, and written findings.	Added for consistency with other chapters.
Variance – issuing building permits	Unified: 18-5.5.060 Existing: 18.100.030	A building permit cannot be issued for a development with an approved variance until <u>15 days after approving variance by the Commission.</u>	A building permit cannot be issued for a development with an approved variance until <u>the effective date of the decision.</u>	By tying the building permit issuance to the effective date of the decision, it ensures that the appeal period has passed before construction is initiated.

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Modifications to planning approvals	Unified: 18-5.6 Existing: 18.108.040.A.2	Type I modifications are required to be processed as a Type I, and Type II modifications as Type II	Add new chapter on creating a minor and major modification process. <ul style="list-style-type: none"> • Allows some modifications to be approved as a Ministerial approval. • Similar to current code, an application for a modification is processed using the same process as the original project. 	
Enforcement fee for tree removal violation	Unified: 18-5.7.090 Existing: 18.61.130	In addition to any fine, court may impose an enforcement fee as restitution for the enforcement costs incurred by the City.	Section deleted because repeats language in 18-1.6.100.C.	
Croman Mill major amendment for zone change	Unified: 18-3.2.030.C.1.a.i Existing: 18.53.030.B.1.a.i	A major amendment is required to change the zoning of land in the compatible industrial (CI) and office employment (OE) zones.	A major amendment is required to change zoning in the Croman Mill district.	There are five zones in the Croman Mill district. The proposed amendment would require a major amendment for any zone change. This is consistent with the North Mountain Neighborhood district amendment process.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
General administration	Unified: 18-1.2.030 – 18-1.2.090 Existing: 18.04 18.12	<ul style="list-style-type: none"> • The purpose of the land use ordinance and enactment are covered in Ch. 18.04 General Provisions. • No structure or lot shall be used or occupied and no structure or part thereof shall be created, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of the land use ordinance. • The “enactment and effect” section excludes land uses and development that are permitted outright in commercial zones, or have site review, partition, sign permit or variance approval. 	Chapter expanded to establishing how the ordinance relates to the comprehensive plan, zoning map, and building permits. <ul style="list-style-type: none"> • Revises enactment and effect to say land use code applies to all land uses and development in the City. Add sections addressing basic mechanics of development process: <ul style="list-style-type: none"> • Compliance – section added to explain that uses, lots, and structures are required to comply with the ordinance. • Rules of Ordinance Construction – clarifies how ordinance works. • Consistency with Comprehensive Plan and Laws – clarifies relationship between land use ordinance and comprehensive plan and state and federal requirements. • Zoning Map – clarifies relationship between 	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			zoning map and land use ordinance. <ul style="list-style-type: none"> • Building Permits – explains coordination of land use compliance and building permits. • Official Action – explains who has the authority to approve land use actions, and clarifies the Staff Advisor’s ability to refer matters to the Planning commission. 	
Lot of record and legal lot determination	Unified: 18-1.3 Existing: 18.68.130	When a lot does not meet the lot size requirements, it is allowed to be occupied by a permitted use if it complied with all the ordinances when it was recorded.	Establishes criteria and a process for determining when a lot of record exists.	Revised chapter is intended to address state law requirements for “lots of record” which are lots that were legally created in Jackson County, or before the City’s partition and subdivision regulations. Provided for consistency with ORS 92.010 to 92.190, which was updated by the Legislature in 2009.
Nonconforming situations	Unified: 18-1.4.010 Existing: 18.68.090 and 18.68.130	Purpose and applicability not addressed.	Explains chapter addresses lawfully established situations that do not comply with current standards and the continuation of those situations.	Chapter is reorganized according to the four types of nonconforming situations – uses, structures, developments and lots.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose of Ch. 18-1.5 Ordinance Interpretations	Unified: 18-1.5.010 Existing: 18.108.060.A	N/A	Some terms or phrases with the ordinance may have two or more reasonable meanings, and the section provides a process for resolving differences in the interpretation of ordinance text.	Existing section doesn't have a separate purpose statement. Each ULUO chapter has a purpose statement to explain the reason for having the chapter.
Purpose of Ch. 18-2.1 Zoning Regulations General Provisions	Unified: 18-2.1.010 Existing: 18.12	N/A	Chapter 18-2.1 Zoning Regulations establishes zones, special districts, and overlays pursuant to the Comprehensive Plan. Every parcel, lot, and tract of land within the City is designated with a zoning district, or zone. The use of land is limited to the uses allowed by the applicable zone.	Explains the connection between the zoning districts and the Comprehensive Plan, and the allowed uses according to the zoning district.
Applicability of Zoning Regulations	Unified: 18-2.1.040 Existing: N/A	N/A	Table 18-2.1.040 lists the applicability of the zones, special districts, and overlays.	Intended to provide the user with a roadmap to the zoning standards that apply to properties given the location in the zone, special district, and overlay zones. Unified: 18-1.5.010 Existing: N/A

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose, Applicability, and Allowed Uses of Ch. 18-2.2 Base Zones and Allowed Uses	Unified: 18-2.2.010 – 18-2.2.030 Existing: 18.14, 18.16, 18.20, 18.22, 18.24 18.28, 18.32, 18.40, 18.52	The purpose and allowed uses are covered in separate chapters for each of the residential and commercial zones.	<ul style="list-style-type: none"> • Purpose – regulate allowed land uses pursuant to Comprehensive Plan. • Applicability – all land uses in the City are subject to 18-2.2. • Allowed Uses – establishes the different types of uses and the standard each is subject to including permitted, special permitted, conditional, accessory and prohibited uses. 	Ch. 18-2.2 combines the allowed uses in the 9 different residential and commercial uses.
Purpose of Ch. 18-2.3 Special Use Standards	Unified: 18-2.3.010 Existing: 18.14, 18.16, 18.20, 18.22, 18.24 18.28, 18.32, 18.40, 18.52	The special permitted uses are covered in separate chapters for each of the residential and commercial zones.	Special uses included in chapter 18-2.3 are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zone.	Explains what a special use is and that different development standards may apply. The existing ordinance contains special uses in the separate chapters on the individual zones and this section is simply added to explain the reason for the chapter.
Keeping of bees and micro-livestock	Unified: Table 18-2.2.030 18-2.3.160	Standards allow keeping of bees and micro-livestock in residential districts under	Existing standards related to livestock and bees from the land use ordinance and AMC	This item adds the recently adopted provisions for bees and micro-livestock (ORD

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	Existing: AMC 9.08	certain requirements.	9.08 are combined in one place. The uses and standards are not changed.	308) to the land use ordinances. Agricultural uses and keeping of livestock are included in the land use ordinance. In an effort to make the standards more user friendly, all of the information pertaining to agricultural and livestock uses is in one location.
Purpose and Applicability of Ch. 18-2.5 – Standards for Residential Zones	Unified: 18-2.5.010 - 18-2.5.020 Existing: N/A	N/A	<ul style="list-style-type: none"> • Purpose – sets lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland’s base residential zones, pursuant to the Comprehensive Plan and the purposes of this ordinance. • Applicability - The standards contained in this chapter apply to all uses and development in the City’s residential 	Chapter 18-2.5 consolidates the basic development standards (e.g., lot size, setbacks, building height, lot coverage) for the residential zones that are located in 6 separate chapters in the existing code.

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			<p>zones. Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance, and for obtaining zoning permits.</p>	
<p>Purpose and Applicability of Ch. 18-2.6 Standards for Non-Residential Zones</p>	<p>Unified: 18-2.6.010 - 18-2.6.020</p> <p>Existing: N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Purpose – sets lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development, for Ashland’s base employment zones, pursuant to the Comprehensive Plan and the purposes of this ordinance. • Applicability - The standards contained in this chapter apply to all uses and development in the city’s employment zones. Property owners 	<p>Chapter 18-2.6 consolidates the basic development standards (e.g., setbacks, building height, landscape coverage) for the four commercial and employment zones that are located in 3 individual zone chapters in the existing code.</p>

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance, and for obtaining Zoning Permits.	
Purpose of Ch. 18-3.1 Special District and Overlay Zone Purpose and Administration	Unified: 18-3.1.010 Existing: N/A	N/A	The special districts are based on neighborhood planning processes for specific geographic areas. Overlay zones address special situations or site characteristics that apply across zones and supplement the base zoning regulations.	For consistency with other chapters.
Allowed uses in Croman Mill district	Unified: 18-3.2.040 Existing: 18.53.040	Uses and their accessory uses are permitted, special permitted, or conditional uses in the Croman Mill district as listed in the land use table.	<ul style="list-style-type: none"> • Allowed uses include those that are permitted, permitted subject to special standards, and allowed subject to a conditional use permit. • When a specific use is not listed, the City may find the use is allowed or not allowed following the procedures of 18-1.5.040 Similar Uses. • Uses allowed in a zone individually are also 	For consistency with other chapters (see 18-2.2.030).

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			<p>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.</p>	
<p>Allowed uses in North Mountain Neighborhood district</p>	<p>Unified: 18-3.5.050</p> <p>Existing: N/A</p>	<p>Not clearly addressed in existing code.</p>	<ul style="list-style-type: none"> • Allowed uses include those that are permitted, permitted subject to special standards, and allowed subject to a conditional use permit. • When a specific use is not listed, the City may find the use is allowed or not allowed following the procedures of 18-1.5.040 Similar Uses. • 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. 	<p>For consistency with other chapters (see 18-2.2.030).</p>

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose of site design overlays (i.e., detail site review, downtown design standards, historic, pedestrian places)	Unified: 18-3.12.010 Existing: N/A	N/A	Adds purpose statement that says overlays provide special regulations and standards that supplement base zoning regulations.	For consistency with other chapters.
Purpose and Applicability of Ch. 18-4.1 Site Development and Designs Standards Administration	ULUO: 18-4.1.010 - 18-4.1.020 Existing: 18.108.020	Existing language includes a detailed list of types of development subject to site design and use standards.	<ul style="list-style-type: none"> • Purpose - Part 18-4 contains design standards for development. The regulations are intended to protect public health, safety, and welfare through standards that promote land use compatibility, resource protection, and livability, consistent with the goals and policies of the Comprehensive Plan. Where an applicant requests an exception to a design standard, the approval authority evaluates the request against the purpose of the ordinance chapter in which the design standard is located. • Applicability - Part 18-4 applies to permits and 	For consistency with other chapters.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p>approvals granted under this ordinance, and other City actions, as summarized in Table 18-4.1.020. The design standards of other agencies, such as the Oregon Department of Transportation or a natural resource regulatory agency, may also apply. The City's failure to notify the applicant of such requirement shall not invalidate a permit or other action taken by the City under this ordinance.</p>	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose of 18-4.4 Landscaping, Lighting, and Screening	ULUO: 18-4.4.010 Existing: N/A	N/A	Chapter 18-4.4 contains standards for landscaping and screening, recycle and refuse disposal areas, outdoor lighting, and fences and walls. The regulations are intended to protect public health, safety, and welfare by reducing development impacts, such as glare, noise, and visual impacts, on adjacent uses; minimizing erosion; slowing the rate of surface water runoff, thereby reducing infrastructure costs; buffering pedestrians from vehicle maneuvering areas; cooling buildings and parking lots in summer months with shade; and enhancing the city's appearance.	Based on Section I Introduction of Site Design and Use Standards. Landscaping standards are included in the existing site design and use standards. Making the landscaping standards a separate chapter requires a purpose statement for consistency with other chapters.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose and applicability of section 18-4.4.050 Outdoor Lighting	ULUO: 18-4.4.050 Existing: N/A	N/A	<ul style="list-style-type: none"> • Purpose - This section contains regulations requiring adequate levels of outdoor lighting while minimizing light spillover onto adjacent properties. • Applicability - All outdoor lighting is subject to the requirements of this section. Where a proposed development is subject to Type I, Type II, or Type III review, the approval authority may require specific lighting levels or limit lighting as a condition of approval to protect the public health, safety, and welfare. 	Outdoor lighting standards are included in the existing code, but are embedded in the site design standards. Making the outdoor lighting standards a separate section requires a purpose and applicability statement.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose and applicability of Ch. 18-4.6 Public Facilities	ULUO: 18-4.6.010- 18-4.6.020 Existing: N/A	N/A	<ul style="list-style-type: none"> • Purpose - The standards of chapter 18-4.6 implement the public facility policies of the Comprehensive Plan. • Applicability - Chapter 18-4.6 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review, where public facility improvements are required. All public facility improvements within the City shall occur in accordance with the standards and procedures of this chapter. 	For consistency with other chapters.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose and applicability of Ch. 18-4. 9 Disc Antennas	ULUO: 18-4.9.010 Existing: N/A	N/A	Chapter 18-4.9 contains standards for installation of disc antennas. The regulations allow for the reasonable use of disc antennas while minimizing aesthetic impacts on adjacent properties and ensuring compliance with building codes.	For consistency with other chapters.
Land divisions and property line adjustments	Unified: 18-5.3 Existing: 18.76 and 18.80	Separate chapters are provided on partitions and subdivisions.	Chapters are combined for ease of use. Basic sections are added on the purpose, applicability, two-step process, land surveys and compliance with ORS 92.	New sections are based on the state model code.
Purpose and applicability of Ch. 18-5.3 Land Divisions and Property Line Adjustments	ULUO: 18-5.3 Existing: N/A	N/A	<ul style="list-style-type: none"> • Purpose - The purpose of this chapter is to provide rules, regulations, and standards governing the approval of subdivisions, partitions and property line adjustments as follows. • Carry out the development pattern envisioned by the 	The existing ordinance chapters on partitions and subdivisions do not include purpose or applicability sections. For consistency with other chapters.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p>Comprehensive Plan.</p> <ul style="list-style-type: none"> • Encourage efficient use of land resources and public services, and to provide transportation options. • Protect the natural environment and encourage sustainable building practices. • Promote the public health, safety and general welfare through orderly and efficient urbanization. • Coordinate land division requirements with other code provisions such as the Performance Standards Option. • Applicability - The requirements for partitions 	

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			<p>and subdivisions apply, as follows.</p> <ul style="list-style-type: none"> ○ Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year. ○ Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract, each having frontage on a public street, within one calendar year. ○ Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots. ○ For properties located in the Performance Standards Overlay, all land divisions, other than partitions 	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p>and development of individual dwelling units, shall be processed under chapter 18-3.9 Performance Standards Option. Properties not located in the Performance Standards Overlay but meeting the requirements of section 18-3.9.030, may be processed under chapter 18-3.9 Performance Standards Option.</p>	
<p>Purpose and applicability of Ch. 18-5.8.010 Annexations</p>	<p>ULUO: 18-5.8.010</p> <p>Existing: N/A</p>	<p>N/A</p>	<p>The chapter contains procedures and approval criteria for the annexation of land to provide for the orderly expansion of the City and adequate provision of public facilities and services.</p>	<p>The existing annexation chapter does not include a purpose statement. For consistency with other chapters.</p>

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Purpose of Ch. 18-5.9 Comprehensive Plan, Zoning, and Land Use Ordinance Amendments	ULUO: 18-5.9.010 Existing: 18.108.060	N/A	This chapter contains the procedure for amending the Comprehensive Plan, Zoning and Land Use Control Maps, and Land Use Ordinance.	Type III procedures are included in the existing procedures chapter as a section and do not include a purpose statement. Making the Type III procedures a separate chapter requires a purpose and applicability statement for consistency with other chapters.
DEFINITIONS				
Definitions - purpose, applicability, and general provisions	Unified: 18-6.1.010 and 020 Existing: 18.08.010	As used in this Title, the masculine includes the feminine and the neuter and the singular includes the plural.	Add sections addressing basic mechanics of definitions: <ul style="list-style-type: none"> • Purpose – to define terms used in the land use ordinance and other terms that may arise in interpreting this ordinance, particularly those that may be uncommon or have more than one meaning • Applicability – definitions apply to actions and interpretation under the land use ordinance. • General Provisions - Terms not defined herein shall have their ordinary accepted meanings 	Language based on the state model code. The language regarding masculine and feminine terms is revised in consultation with the Legal Department.

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			<p>within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference. Where the masculine term is used it also include the feminine and the neuter, and the singular variation of a term is used it also includes the plural.</p> <ul style="list-style-type: none"> • Conflicting Definitions – Where a term is defined by another section of the land use ordinance or statute referenced by the land use ordinance, the term in the definitions section does not redefine that of the other code or statute. 	
Access and Cross Access Easement	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	<ul style="list-style-type: none"> • An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a 	Language based on the state model code.

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			lot or parcel across intervening property under separate ownership. <ul style="list-style-type: none"> • Cross access easement is an easement providing vehicular access between two or more separate sites. 	
Access Management	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	The systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclist, and pedestrians. Purpose is to provide access to land development in a manner that preserves the safety and efficiency of the transportation system.	Language based on the state model code.
Access Point	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A connection providing for the movement of vehicles to or from a lot or parcel to a public roadway.	Language based on the state model code.
Accessible	Unified: 18-6.1.030	Used in code, but not defined.	<ul style="list-style-type: none"> • In general, means approachable by pedestrians, vehicles, or 	Language based on the state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	Existing: N/A		other transportation modes, as applicable. <ul style="list-style-type: none"> • Also may mean approachable and useable by people with disabilities, in conformance with the Federal Americans with Disabilities Act. 	
Apiary	Unified: 18-61.030 Existing: AMC 9.08.010	The assembly of one or more colonies of bees at a single location	Definition is unchanged.	This item adds the recently adopted provisions for bees and micro-livestock (ORD 308) to the land use ordinances. Agricultural uses and keeping of livestock are included in the land use ordinance. In an effort to make the standards more user friendly, all of the information pertaining to agricultural and livestock uses is located in the land use ordinance.
Applicant	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A person who applies for a permit or approval under this ordinance – can be the property owner, contract purchaser, or legally authorized representative such as a planner, building, or developer.	Language based on the state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Ashland Municipal Code	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	The complete codification of the general ordinance of the City of Ashland.	Language based on the state model code.
Automotive and Truck Repair Service	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Establishments primarily engaged in providing automobile and truck repair.	Added to distinguish use from "automobile service station." Automobile service station is defined in the existing code. Both uses are allowed in the C-1 and E-1 zones.
Beekeeper	Unified: 18-6.1.030 Existing: AMC 9.08.010	A person who owns or has charge of one or more colonies of bees.	Definition is unchanged.	This item adds the recently adopted provisions for bees and micro-livestock (ORD 308) to the land use ordinances. Agricultural uses and keeping of livestock are included in the land use ordinance. In an effort to make the standards more user friendly, all of the information pertaining to agricultural and livestock uses is located in the land use ordinance.
Change of Use	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Change in the primary type of use on a site.	Language based on the state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Club	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests but does not include a commercial use	Lodges and clubs are allowed in all zones, but are not defined.
Colony	Unified: 18-6.1.030 Existing: AMC 9.08.010	An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.	Definition is unchanged.	This item adds the recently adopted provisions for bees and micro-livestock (ORD 308) to the land use ordinances. Agricultural uses and keeping of livestock are included in the land use ordinance. In an effort to make the standards more user friendly, all of the information pertaining to agricultural and livestock uses is located in the land use ordinance.
Common Area	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Land jointly owned to include open space, landscaping, parking, or recreation facilities (e.g., may be managed by a homeowner's association).	Language based on the state model code.
Comprehensive Plan	Unified: 18-6.1.030 Existing:	Used in code, but not defined.	The current adopted Comprehensive Plan of the City.	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	N/A			
Cottage Housing	Unified: 18-6.1.030 Existing: N/A	N/A	A cluster of compact homes grouped around a common open space within a larger surrounding neighborhood. Cottage housing is a scale and character compatible with single-family neighborhoods, and consists of detached individual dwelling units, duplex structures, or a combination of the two. Common area and shared amenities, such as parking area, central outdoor space, community building, garden space and sheds, are owned and maintained in common	Definition added to coordinate with the inclusion of cottage housing as a used allowed in single-family zones. Cottage housing amendments made per Planning Commission review and discussion of the green development evaluation. The evaluation recommended adopting a cottage housing ordinance as a tool for encouraging compatible infill development in existing areas to conserve land and promote walkability and transportation efficiency.
County	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Unless otherwise specified, Jackson County, Oregon.	
Days	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Calendar days, unless specifically states as working days. Working days included Monday through Friday, excluding City holidays.	Language based on the state model code. This has occasionally caused confusion in deadlines pertaining to the application

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
				procedures (e.g., appeal periods).
Density(ies)	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A measurement of the number of dwelling units in relationship to a specified amount of land. A common standard is dwelling units per acre.	Language based on the state model code.
Develop	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	To construct or alter a structure or to make a physical change to the land including excavation, clearing, dredging, fill, or paving.	Language based on the state model code.
Discontinued Use	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract.	Language based on the state model code.
Driveway Apron	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	The edge of a driveway where it meets a public right-of-way.	Language based on the state model code.
Driveway Approach	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A driveway connection to a public street or highway where it meets a public right-of-way.	Language based on the state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Final Plat	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division, pursuant with ORS 92 and chapter 18-5.3 of this ordinance.	Language based on the state model code.
Grading	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.	Used in code, but not defined.
Group Living	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined	Group living is characterized by the long-term residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational, and laundry. Residential Care Homes, Residential Care Facilities, and Room and Board Facilities are types of Group Living.	Creates a broad category for several types of group living situations – residential care home, residential facility, and room and board facility.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Guest House	Unified: 18-6.1.030 Existing: 18.68.140	Used in code, but not defined	A house or quarters without kitchen cooking facilities to provide shelter for guests, and which is accessory to a single-family dwelling. A guest house is and remains dependent upon the main building for kitchen facilities, and can be a detached building located on the same lot or attached to a single-family dwelling.	Language based on state model code and existing language in 18.69.140.
Hive	Unified: 18-6.1.030 Existing: AMC 9.08.010	The receptacle inhabited by a colony that is manufactured for that purpose.	Definition is unchanged.	This item adds the recently adopted provisions for bees and micro-livestock (ORD 308) to the land use ordinances. Agricultural uses and keeping of livestock are included in the land use ordinance. In an effort to make the standards more user friendly, all of the information pertaining to agricultural and livestock uses is located in the land use ordinance.
Junk Yard	Unified: 18-6.1.030 Existing: N/A	An allowed use in the M-1 zone, but not defined.	1. Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting,	

SECTION 4: NEW LANGUAGE FOR STANDARDIZATION

Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			storing, distributing, buying, or selling scrap or waste materials; or 2. Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.	
Land Use Decision	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined	A final decision or determination made by the City (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Comprehensive Plan or any provision of this ordinance where the decision requires the interpretation or exercise of policy or legal judgment. All decisions requiring quasi-judicial review by the City are Land Use Decisions.	Language is consistent with state law and from the state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			Decisions subject to administrative review are considered limited land use decisions, pursuant with ORS 197.015.	
Land Use Ordinance	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Land Use Ordinance – The current adopted Land Use Ordinance (AMC Title 18 Land Use) of the City. Also referred to as “this ordinance.”	Language is based on the state model code.
Loading Area	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined	The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles.	Language is based on the state model code.
Ministerial Action	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Ministerial decisions are made by the Staff Advisor. The Staff Advisor makes ministerial decisions by applying City standards and criteria that do not require the use of substantial discretion (e.g., fence, sign, and home occupation permits). A public notice and public hearing are not required for Ministerial decisions.	Language from state model code.
Mixed-Use	Unified: 18-6.1.030	Used in code, but not defined.	The combination of residential uses with commercial (e.g.,	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	Existing: N/A		office, retail, or services), civic, or light industrial uses on a site.	
Nonconforming Development	Unified: 18-6.1.030 Existing: N/A		An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but subsequently, due to a change in the zone or applicable code standards, is no longer in conformance with the current applicable development regulations.	New definition to coordinate with Chapter 18.14 Nonconforming Situations.
Nonconforming Lot or Lot of Record	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined	A legally created lot or parcel meeting applicable regulations in effect at the time of creation (e.g., area, setbacks, coverage, location), but that subsequently, due to a change in the zone or zoning regulations, no longer conforms with the current applicable regulations.	New definition to coordinate with Chapter 18.14 Nonconforming Situations.
Nucleus Colony	Unified: 18-6.1.030 Existing:	A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose not	Definition is unchanged.	This item adds the recently adopted provisions for bees and micro-livestock (ORD 308) to the land use

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	N/A	including surplus honey, storage, or harvesting.		ordinances. Agricultural uses and keeping of livestock are included in the land use ordinance. In an effort to make the standards more user friendly, all of the information pertaining to agricultural and livestock uses is located in the land use ordinance.
Office	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.	Language from state model code.
Orientation and Building Orientation	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	<ul style="list-style-type: none"> • Orientation - To cause to face toward a particular point of reference (e.g., "A building oriented to the street."). • Building Orientation- The directional expression of the front façade of a building (i.e., facing the street, facing north, facing south). 	Language from state model code.
Owner	Unified: 18-6.1.030	Used in code, but not defined.	The owner of the title to real property or the contract	Language from state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	Existing: N/A		purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.	
Parkrow or Planter Strip	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A landscape area for street trees and other plantings within the public right-of-way, usually in the form of a continuous planter area between the street and sidewalk.	Language from state model code.
Planned Road or Street	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan, or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS chapter 197 but has not been constructed.	Language from state model code.
Primary Use	Unified: 18-6.1.030	Used in code, but not defined.	An activity or combination of activities of chief importance	Language from state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	Existing: N/A		on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.	
Property Line Adjustment	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant with chapter 18-5.3 Land Divisions and Property Line Adjustments.	Language from state model code.
Religious Institutions and Places of Worship	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Uses primarily providing meeting areas for religious activities; may include schools and community services as accessory uses.	Language from state model code.
Retail Sales and Services	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Retail sales and service uses that sell, lease, or rent new or used products, goods, or services.	Language from state model code.
Schools	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.	Language from state model code.
Self-Service Storage	Unified: 18-6.1.030	Used in code, but not defined.	Mini-storage or other storage areas for individual or	Language from state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
	Existing: N/A		business uses. The storage areas are designed to allow private access by the tenant for storing personal property.	
Senior Housing	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities	Language is based on the state model code.
Shared Parking	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Required parking facilities for two or more uses, structures, or lots that are satisfied jointly with the same facilities.	Language from state model code.
Street Connectivity	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds	Language from state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			through neighborhoods.	
Street Stub	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.	Language from state model code.
Type I Procedure	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Type I decisions are made by the Staff Advisor with public notice and an opportunity for appeal to the Planning Commission.	Language from state model code.
Type II Procedure	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	Type II decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.	Language from state model code.
Type III Procedure	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	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 a Comprehensive Plan amendment, Comprehensive	Language from state model code.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			Plan map or text amendment, annexations, and urban growth boundary amendments. Type III actions are reviewed by the Planning Commission, which makes a recommendation to Council. Council makes final decisions on legislative proposals through enactment of an ordinance.	
Turnaround	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A vehicle maneuvering area at the end of a dead-end street or driveway (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.	Language is based on the state model code.
Walkway	Unified: 18-6.1.030 Existing: N/A	Used in code, but not defined.	A sidewalk or path improved to City standards or to other roadway authority standards, as applicable.	Language is based on the state model code.
Water Conserving Landscaping Terms	Unified: 18-6.1.030 Existing: Section III Water Conserving Landscaping Guidelines and Policies	<ul style="list-style-type: none"> • Berm. Any area where the soil is raised 30 percent or more on its sides and has no retaining wall included. • Raised Beds. Areas of soil with retaining walls 	New terms added: <ul style="list-style-type: none"> • <u>Automatic Sprinkler Controller.</u> Sprinkler controllers/timers determine watering start and stop times. • <u>Baseline.</u> The amount of 	Added definitions to support updates to water conserving landscaping standards in 18-4.4.030.I.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		<p>one foot or greater in height.</p> <ul style="list-style-type: none"> • Terrace. Creation of horizontal areas on sloped land through a series of steps, retained on the downhill side. 	<p><u>water required by the site during the peak watering month if watered at 100 percent of Reference Evapotranspiration (ET_o).</u></p> <ul style="list-style-type: none"> • Check Valves. <u>A check valve is a device that prevents the water that remains in the sprinkler piping from draining out of the sprinklers after the valve has shut off.</u> • Control Valves. <u>These are the valves that turn sprinklers on and off; they also may be used for drip irrigation systems. Other names sometime used for them are irrigation valve or sprinkler valve.</u> • Drip Irrigation. <u>Devices that apply water at or below the soil surface. Spray or misting emitters are not drip irrigation devices.</u> • Emitters. <u>Drip</u> 	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p>distribution device that dispenses water to the infiltrative surface at a predictable rate.</p> <ul style="list-style-type: none"> • Head to Head Coverage. The area watered by each sprinkler overlaps the area watered by the adjacent sprinkler; providing uniform water coverage. • Irrigation Zone. The portion of an irrigation system served by a single control valve, typically operated by a unique station on the irrigation controller. • Mature Compost. A stable organic amendment product characterized by raw materials (yard trimmings, vegetative, food waste, feedstock manures, etc.) that has been sufficiently decomposed under controlled moisture and 	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p><u>aeration conditions.</u> <u>Mature compost is a well-cured product in which viable seed and pathogens are eliminated through the application of high temperatures.</u> <u>Mature compost is characterized by low amounts of carbon dioxide, a low ratio of ammonia to nitrate, low total ammonia content, and little to no odor.</u></p> <ul style="list-style-type: none"> • <u>Mulch.</u> <u>A permeable protective covering of organic material such as bark, pine needles, or compost spread over soil and around plants to reduce evaporation, maintain even soil temperature, prevent soil erosion, and prevent leaks.</u> • <u>Precipitation Rates (PR).</u> <u>The rate that sprinkler heads apply water to the soil or turf.</u> • <u>Pressure Reduction</u> 	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p><u>Valve (PRV). A valve that automatically reduces the water pressure from the water supply main to a lower, more appropriate pressure. Pressure regulating sprinklers are not considered a pressure reduction valve.</u></p>	

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
Destruction of nonconforming structure	Unified: 18-1.4.030.A.4 Existing: 18.68.090.A.5	A nonconforming structure destroyed by a catastrophe (fire, flood, earthquake, etc.) may be restored or <u>replaced</u> provided the nonconformity shall not increase.	A nonconforming structure destroyed by a catastrophe (fire, flood, earthquake, etc.) may be restored or <u>reconstructed</u> provided the nonconformity shall not increase.	Change in wording for consistency with existing definitions.
Recession extension	Unified Code: N/A Existing: 18.112.035.B	Section allowed approvals that were granted at the onset of the recession to be extended an additional year.	Provision for recession extension is deleted.	Removed because window for recession extensions ended January 2012.
Revocation public hearing	Unified Code: 18-1.6.070 Existing: 18.112.050	Outlines the procedure for a public hearing for a revocation of a planning approval. References Chapter 18.104 Conditional Use Permits for noticing and process.	Revises reference to Type II planning action noticing and process which requires a public hearing.	The existing reference is incorrect because the Ch. 18.104 does not include noticing and procedural instructions. Staff believes the original intent was to process a revocation as a Type II public hearing.
Club lodge and fraternal organization	Unified: Table 18-2.2.030	Conditional use in all of the residential zones. Issue is not clearly addressed in code for the commercial and employment zones.	Allows club lodges and fraternal organizations as permitted use in the commercial (C-1 and C-1-D) zones, and as a conditional use in the employment and industrial (E-1 and M-1) zones.	Amendment made per Planning Commission discussion.
Private daycare or kindergarten	Unified: Table 18-2.2.030	Conditional use in all of the residential zones. Issue is not addressed in code for the	Allows private daycare or kindergartens as permitted use in the commercial,	Amendment made per Planning Commission discussion.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		commercial and employment zones.	employment and industrial zones (C-1, C-1-D, E-1, and M-1).	
Dwelling of caretaker or watchman	Unified: Table 18-2.2.030 Existing: N/A	N/A	Allows one dwelling for a caretaker or watchman in the employment and industrial zones (E-1 and M-1).	There are some portions of the employment and industrial zones where residential units are not permitted. The language is based on the state model code.
Traveler's accommodation in multi-family zones (R-2 and R-3) - legal nonconforming uses	Unified: 18-2.3.210 Existing: 18.24.030.K 18.28.030.J	Standards include a provision that allows travelers accommodations legally established prior to the adoption of the original ordinance to remain in place.	Language deleted.	This issue is addressed in 18-1.4.020 Nonconforming Uses.
Base densities and minimum lot dimensions in multi-family residential zones (R-2 and R-3)	Unified: 18-2.5.080 Existing: 18.24.040.A 18.28.040.A	<p>For the R-2 zone:</p> <ul style="list-style-type: none"> • Minimum lot area for less than 2 units is 5,000 square feet. • Minimum lot area for 2 units is 7,000 square feet. • Developments of 3 units or greater shall have minimum lot area in excess of 9,000 square feet except as determined by the base density and allowable bonus point 	<p>For the R-2 zone:</p> <ul style="list-style-type: none"> • Minimum lot area for <u>one unit</u> is 5,000 square feet, <u>except as allowed in section 18-2.3.040 for accessory residential units.</u> • Minimum lot area for 2 units is 7,000 square feet. • Minimum lot area for 3 units is 9,000 square feet, <u>except that the residential density bonus may be used to</u> 	The edits are made for clarity, and are not intended to change the substance of the existing standards. Before the 2008 code amendments, the ordinance said that the minimum lot area for <u>1 unit</u> in the R-2 and R-3 zones shall be 5,000 square feet. In the 2008 amendments, "one" was changed to "less than two" for 5,000 square foot lots to address the new provision that allowed

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
		<p>calculations.</p> <ul style="list-style-type: none"> • Base density for the R-2 zone is 13.5 units per acre. <p>For the R-3 zone:</p> <ul style="list-style-type: none"> • Minimum lot area for less than 2 units is 5,000 square feet. • Minimum lot area for 2 units is 6,500 square feet. • Developments of 3 units or greater shall have minimum lot area in excess of 8,000 square feet except as determined by the base density and allowable bonus point calculations. • Base density for the R-3 zone is 20 units per acre. 	<p><u>increase density of lots greater than 8,000 square feet up 3 units.</u></p> <ul style="list-style-type: none"> • <u>For more than 3 units,</u> the base density shall be 13.5 dwelling units per acre, and the permitted density shall be increased by the percentage gained through the residential density bonus. <p>For the R-3 zone:</p> <ul style="list-style-type: none"> • Minimum lot area for <u>one unit</u> is 5,000 square feet, <u>except as allowed in section 18-2.3.040 for accessory residential units.</u> • Minimum lot area for 2 units is 6,500 square feet. • Minimum lot area for 3 units is 8,000 square feet. • <u>For more than 3 units,</u> the base density shall be 20 dwelling units per acre, and the permitted density shall be 	<p>accessory residential units in the R-2 and R-3 zones. However, the “less than 2 units” language has tended to cause confusion.</p>

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			increased by the percentage gained through the residential density bonus.	
Purpose statement for Ch. 18-4.2 Building Placement, Orientation and Design	ULUO: 18-4.2.010 Existing: 18.72.010 and Site Design and Use Standards	Purpose and intent of site design and use standards is to: <ul style="list-style-type: none"> • Reduce adverse effects on surrounding property owners and the general public. • To create a business environment that is safe and comfortable. • To enhance the environment for walking, bicycling, and transit use. • Ensure that high quality development is maintained throughout the city. 	Adds language from the existing Site Design and Use Standards introduction as follows: <ul style="list-style-type: none"> • To create a business environment that is safe and comfortable, <u>and natural surveillance of public spaces or eyes on the street for crime prevention and security.</u> • Ensure that high quality development is maintained throughout the city <u>that makes a positive contribution to the streetscape and maintains a sense of place that is distinctly Ashland.</u> 	
Alley description	Unified: 18-4.6.040.G.6 Existing: Section III Design Standards, Street Standards	The alley is a semi-public neighborhood space that provides access via the rear of the property.	Alleys are semi-public neighborhood spaces that provide access to the rear <u>and side</u> of properties, <u>and alternative utility placement areas.</u>	Amended to reflect existing conditions in Ashland – alleys are in place throughout the city that provide access to the sides of properties, as well being

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
				used for locating utilities.
Type I referral to Planning Commission	Unified: 18-5.1.010.B.2 and 18-5.1.050.C.1 Existing: N/A	N/A	Staff Advisor may refer a Type I application to the Planning Commission for review and decision.	This provision was included in the land use ordinance prior to 2008, and appears to have been inadvertently deleted at that time.
Previously approved building envelopes and driveways in water resource protection zones (riparian area and wetland buffers)	Unified: N/A Existing: 18.63.060.A.3.e	<ul style="list-style-type: none"> Allows development of buildings and driveways in water resource protection zones that were approved prior to enactment of Chapter 18.63. Provision expires 36 months after effective date of ordinance. Ordinance effective on 1/15/2010. 	Provision deleted.	Provision expired on 1/15/2013, and therefore is removed from ordinance.
DEFINITIONS				
Accessory Building and Accessory Use	Unified: 18-6.1.030 Existing: 18.08.020	A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building. This definition shall also apply to mechanical equipment as defined Section 18.108.485.	<ul style="list-style-type: none"> Accessory Building or Structure - A building or structure or use incidental and subordinate to the main use of the property of secondary importance or function on a site, and which is located on the same lot with the main primary use. 	Definitions for building and use are separated for ease of use. The amendments are not intended to change the content or meaning of the definitions.

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Code Amendment Category	Code Reference	Existing Standard	Proposed Amendment	Comment
			<p>Private garages and carports are accessory buildings when not attached to the main building. This definition shall also apply to mechanical equipment as defined herein.</p> <p><u>Examples of accessory structures include but are not limited to: buildings not attached to the main building (e.g., garages, carports, guest houses, workshops, and sheds), arbors, gazebos, and mechanical equipment. See also, definition of Dwelling – Accessory Residential Unit.</u></p> <ul style="list-style-type: none"> • Accessory Use - <u>A use or activity that is incidental and subordinate to the primary use, and located on the same lot with the primary use.</u> 	
Building Code	Unified: 18-6.1.030	The combined specialty codes adopted under ORS	The combined specialty codes as defined in AMC	AMC 15.04 lists the building codes adopted and used by

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	Existing: 18.62.030.E	446.062, 446.185, 447.020(2), 455.020(2), 455.610, 455.680, 460.085, 460.360, 479.730(1) or 480.545, but not include regulations adopted by the State Fire Marshall pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.	15.04 and approved by the State of Oregon.	the City, and is periodically updated by the City's Building Division. Change recommended by Building Official.
Child Care Facility and Family Child Care Home	Unified: 18-6.1.030 Existing: 18.08.170	Daycare, Nursery, Kindergarten - A school or care center housing 5 or more children for no more than 12 hours per day where the student-to-staff ratio is 10 to 1 or less.	<ul style="list-style-type: none"> • Child Care Facility - An establishment providing care and supervision of children for periods of less than 24 hours that do not otherwise meet the definition of family child care home. • Family Child Care Home - Care for not more than 16 children in a single-family dwelling. See ORS 329A.440 for applicable requirements. 	Definition updated for consistency with state law regarding child care facilities.
Development	Unified: 18-6.1.030 Existing: 18.62.030.H 18..08.180	<ul style="list-style-type: none"> • Development is defined as alteration of the land surface by: <ol style="list-style-type: none"> 1. Earth-moving activities such as grading, filling, stripping, or cutting 	All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior	The definition of development is in the existing 18.62 Physical and Environmental Constraints chapter, and is a list of activities that require a permit. These have been

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		<p>involving more than 20 cubic yards on any lot, or earth-moving activity disturbing a surface area greater than 1000 sq. ft. on any lot;</p> <p>2. Construction of a building, road, driveway, parking area, or other structure; except that additions to existing buildings of less than 300 sq. ft. to the existing building footprint shall not be considered development for Section 18-3.9.070 Development Standards for Hillside Lands.</p> <p>3. Culverting or diversion of any stream designated by</p> <ul style="list-style-type: none"> • Development Plan - Any plan adopted by the 	display, storage, or activities.	<p>moved to the applicability section of 18-3.10.A.1.</p> <p>The definition of development plan is deleted because it is inconsistent with the use of the term in the ordinance.</p>

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		<p>Planning Commission for the guidance of growth and improvement of the City, including modifications or refinements made from time to time.</p>		
District and Zone	<p>Unified: 18-6.1.030</p> <p>Existing: 18.08.190</p>	<ul style="list-style-type: none"> • District – a zoning district. • Zone is undefined. 	<ul style="list-style-type: none"> • District – <u>a part, zone, or geographic area in the City within which certain zoning or development requirements apply.</u> • Zone – <u>A specifically delineated area within which certain land use regulations and development standards apply.</u> 	
Driveway, Flag Drive, and Shared Driveway	<p>Unified: 18-6.1.030</p> <p>Existing: 18.08.195</p>	<p>Driveway - An access way serving a single dwelling unit or parcel of land, and no greater than 50' travel distance in length. A flag drive serving a flag lot shall not be a driveway. Single dwelling or parcel accesses greater than 50' in length shall be considered as a flag drive, and subject to all of the</p>	<ul style="list-style-type: none"> • Driveway - The area that provides vehicular access to a site from a street or the area that provides vehicular circulation on a site. • Flag Drive - A driveway that serves a single lot or parcel and is greater than 50 feet in length, or provides vehicular 	<p>In the existing code, the definition of driveway includes the definition of flag drive. These are separated for clarity, but the meaning is not changed.</p> <p>The definition of shared drive is new, and is based on the state model code. This is a term that is used in</p>

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		development requirements thereof.	access to a flag lot(s). • <u>Shared Drive - A driveway used to access two or more lots or parcels.</u>	the existing code.
Driving Surface	Unified: 18-6.1.030 Existing: 18.08.196	A paved access capable of supporting up to 44,000 lbs. gross vehicle weight. Surface to be of minimum width as required by this ordinance. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.	A paved access capable of supporting up to 44,000 lbs. gross vehicle weight.	Standard regarding width and turns moved to 18-5.3 .060.D.
Duplex Dwelling	Unified: 18-6.1.030 Existing: 18.08.210	A building containing 2 dwelling units.	A structure that contains 2 dwelling units located on one lot. The units must share a common wall or common floor/ceiling.	Language added on sharing a common wall and located on the same lot to distinguish from single-family attached housing.
Dwelling	Unified: 18-6.1.030 Existing: 18.08.230	One or more rooms designed for occupancy by one family and not having more than one kitchen or cooking facility. For the purpose of this Title, the term "dwelling," or "dwelling unit," does not include the term "trailer house."	A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are	Reworded for clarity, not intended to change the meaning.

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			considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.	
Easement	Unified: 18-6.1.030 Existing: 18.08.240	A grant of the right to use a strip of land for a specific purpose/	A grant of the right to use a strip of land for a specific purposes, <u>such as access or to locate utilities.</u>	Examples added for clarity.
Fire Work Area	Unified: 18-6.1.030 Existing: 18.08.255	Fire Work Area - An area capable of supporting up to 44,000 lbs. gross vehicle weight. Area to be a minimum of 20 feet by 40 feet, within 50 feet of the structure and clear of vertical obstructions.	Fire Work Area - An area capable of supporting up to 44,000 lbs. gross vehicle weight	Dimensional standards deleted because repeats standards in 18-5.3.060.M.
Flag Lot	Unified: 18-6.1.030 Existing: 18.08.390	Any lot which has frontage on a city street which is less than 40 feet, and which is provided with access by an alley or a driveway parallel to the lot line of a lot having standard access.	A lot with two distinct parts. 1. The flag, which is the building site; and is located behind another lot. 2. The pole, which connects the flag to the street; provides the only street frontage for the lot with less than 40 feet of frontage on a street; and unless an alley provides access, includes a driveway	Reworded for clarity, not intended to change the meaning.

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			providing access.	
Garage	Unified: 18-6.1.030 Existing: 18.08.260	An enclosed or open (carport) roofed accessory structure designed to house vehicles owned by occupant(s) of a residential structure.	A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling. Carports are considered garages.	Reworded for clarity, but note intended to change the meaning.
Garage Sale	Unified: 18-6.1.030 Existing: 18.08.270	A temporary activity conducted on the premises of a private residence for the purpose of disposal of goods or belongings of the residents of the dwelling. Such activity shall have a duration of not more than 2) days, nor shall it occur more than twice within any 365 day period. Such activity shall not be accompanied by any off-premises advertisement. For the purposes of this Title, garage sales shall not be considered a commercial activity	A temporary activity conducted on the premises of a private residence for the purpose of disposal of goods or belongings of the residents of the dwelling.	Language regarding number of days of and standards of operation moved to the temporary uses section in 18-2.2.030..H.2.
Group Home	Unified: 18-6.1.030 Existing: 18.08.285	A dwelling housing a group in excess of 5 individuals not related by blood, marriage, adoption or guardianship who function as a single housekeeping unit under a	<ul style="list-style-type: none"> Residential Care Home - A residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in 	Residential care home takes the place of group home and is for 5 or fewer people. Residential care homes and facilities are defined and regulated by

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		<p>common management plan based on an intentionally structured relationship providing organization and stability. Such facilities can include, but are not limited to, homes for orphans, foster children, the elderly and battered women and children.</p>	<p>ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for 5 or fewer individuals who need not be related. (See also, ORS 197.660).</p> <ul style="list-style-type: none"> Residential Facility - Residential facilities provide housing and care for 6 to 15 individuals who need not be related as defined under ORS 430.010 (for alcohol and drug abuse programs); ORS 443.400 (for persons with disabilities); and ORS 443.880. Staff persons required to meet State-licensing requirements is not counted in the number of 	<p>state law for 6 to 15 people.. The new definitions are consistent with state regulations and from the state model code.</p>

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			facility residents and need not be related to each other or the residents.	
Home Occupation	Unified: 18-6.1.030 Existing: 18.08.300	A commercial activity permitted in a residential zone as provided in Chapter 18.94.	A business activity that is carried out in conjunction with a dwelling unit, and which is accessory to the residential use, subject to the special use provisions of section 18-2.3.150.	New definition is from model code, but is not intended to change the meaning of the existing definition.
Inner Court	Unified: 18-6.1.030 Existing: 18.08.150	Area upon which any of four dwelling units in opposing (facing) dwellings opens.	Definition deleted.	Definition deleted because it is not used in the ULUO.
Kennel	Unified: 18-6.1.030 Existing: 18.08.340	Any premises where 4 or more dogs or cats are kept or permitted to remain, except veterinary clinics.	Any lot or premises where 4 or more dogs or cats aged 6 months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.	Reworded for clarity, but not intended to change the meaning.
Lot or Site Coverage	Unified: 18-6.1.030 Existing: 18.08.160	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	The total area of a lot covered by buildings, parking areas, driveways, and other solid surfaces that will not allow natural water infiltration to the soil. Landscaping, including	Reworded for clarity, but not intended to change the meaning.

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		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 is not counted as part of the lot or site coverage	living plants, vegetative ground cover, and mulch, which allows natural soil characteristics and water infiltration and retention is not considered lot or site coverage. See also, lot coverage exemption in Table 18-2.5.030.A – Standards for Urban Residential Zones.	
Manufactured Home and Mobile Home	Unified: 18-6.1.030 Existing: 18.08.475 18.08.490.	<ul style="list-style-type: none"> • Manufactured Home - Residential structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the national Manufactured Housing Construction and Safety Standards Act of 1974, as amended on August 22, 1981. • Mobile Home - A building or vehicle which is portable or which was originally designed to be portable and which was constructed or modified to permit occupancy for dwelling purposes. This 	<ul style="list-style-type: none"> • Manufactured Home - A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. • Mobile Home - A structure constructed for movement on the public 	Updated for consistency with definitions in state law regarding manufactured homes on individual lots and in developments.

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		term shall include self-propelled mobile homes, pickup campers, mobile homes, travel trailers, trailers, and other similar equipment that may be utilized for dwelling purposes.	highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.	
Manufactured Housing Development	Unified: 18-6.1.030 Existing: 18.08.500	A plot of ground upon which one or more mobile homes occupied for dwelling purposes are located, regardless of whether a charge is made for such accommodation.	A plot of ground upon which one or more mobile <u>subdivision or park comprised of manufactured</u> homes occupied for dwelling purposes are located , regardless of whether a charge is made for such accommodation.	
Minor Amendment	Unified: 18-6.1.030 Existing: 18.08.487	An amendment to a subdivision or partition plat that: A. Does not increase the number of lots or parcels created by the subdivision or	Deleted from definitions.	Moved to 18.5.3.020.F - minor amendments to subdivisions and partitions because the existing definition describes a procedure rather than a

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		partition; B. Does not enlarge the boundaries of subdivided or partitioned area; C. Does not change the general location or amount of land devoted to a specific land use; or D. Makes only minor shifting of the established lines, location or size of buildings or building envelopes, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.		definition.
Multifamily Dwelling	Unified: 18-6.1.030 Existing: 18.08.220	A building containing 3 or more dwelling units.	A dwelling in a structure or grouping of structures containing 3 or more dwelling units located on one lot.	Language added about sharing a common wall and located on the same lot to distinguish from single-family attached housing.
Mural	Unified: 18-6.1.030 Existing: 18.08.515	A graphic design on a building which represents a person, place, scene, or other artistic endeavor. This definition does not include architectural enhancement of a building facade; however, this would be subject to the procedural and substantive design review portion of the	A graphic design on a building representing a person, place, scene, or other artistic endeavor. This definition does not include architectural enhancement of a building facade.	The last sentence is removed because it is a procedure and covered in 18-5.2.020.

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		Site Review Chapter.		
Nonconforming Structure and Use	Unified: 18-6.1.030 Existing: 18.08.520	An existing structure or use lawful at the time the ordinance codified in this Title, or an amendment thereto, becomes effective, and which does not conform with the current applicable requirements of the zone in which it is located.	<ul style="list-style-type: none"> • Nonconforming Structure - An existing structure that was created in conformance with the zoning regulations but that subsequently, due to a change in the zone or the zoning regulations, no longer conforms with the current applicable requirements of the zone in which it is located. • Nonconforming Use - A use that was allowed by right when established or that obtained a required land use approval when established, but that subsequently due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. 	Definitions of structure and use are separated to coordinate with Chapter 18-1.4 Nonconforming Situations. The amendments are not intended to change the content or meaning of the definitions.
Open Space	Unified: 18-1.6.030 Existing: 18.84.025.E	The chapters on subdivisions and performance standards options include similar definitions for open space.	A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the	Consolidated for clarity, but not intended to change the meaning.

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	18.88.020.H		development. Open space area is landscaped and/or left with a natural vegetation cover, and does not include thoroughfares, parking areas, or improvements other than recreational facilities.	
Person	Unified: 18-6.1.030 Existing: 18.08.580	An individual, firm, partnership, association, corporation, estate, receiver, syndicate, branch of government, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, or other representative thereof.	Any natural person, their estate, or any legal entity; and including any of their designated representatives.	New definition suggested by Legal Division.
Planning Application or Planning Action	Unified: 18-6.1.030 Existing: 18.08.595	A planning application is an application, other than an application for legislative amendment, filed pursuant to the requirements of this ordinance. A planning action is a proceeding pursuant to this ordinance in which the legal rights, duties or privileges of specific parties are determined, and any appeal or review of such proceeding, pursuant to the	A planning application is an action filed pursuant to the requirements of this ordinance.	Two similar definitions exist in the existing code. The definition is updated to coordinate with the procedures section in 18-5 of the ULUO.

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		<p>provisions of this ordinance. A planning action does not include a ministerial action or a legislative amendment.</p> <p align="center">-and-</p> <p>A proceeding pursuant to this ordinance in which the legal rights, duties or privileges of specific parties are determined, and any appeal or review of such proceeding, pursuant to the provisions of this ordinance. A planning action does not include a ministerial action or a legislative amendment.</p>		
Primary Building or Structure	<p>Unified: 18-6.1.030</p> <p>Existing: 18.63.030</p>	A structure or combination of structures in which the principal use of the zoning district in which it is located is conducted.	A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure may be determined by comparing the size, placement, design, appearance, function, and the orientation of the structures on a site, among other	Updated for clarity. Language from state model code.

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			relevant factors.	
Queuing Lane	Unified: 18-6.1.030 Existing: Section III Design Standards, Street Standards	Traffic lane requiring one of two opposing vehicles to yield by pulling into a vacant portion of the adjacent parking lane to allow the other vehicle to pass. Queuing lanes are designed to reduce vehicle speeds and non-local traffic on neighborhood streets.	Definition is the same.	Moved from street design standards (separate booklet) to definitions section.
Residential or Residential Use (definition)	Unified: 18-6.1.030 Existing: 18.08.630	Any activity, as contrasted with commercial and industrial activities, which involves the peaceful, private conduct of pursuits related to the living environment.	Long-term occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods (i.e., less than 30 days) of time is considered an overnight accommodation for transient individuals.	Updated for clarity. Language from state model code.
Reversed Corner Lot	Unified: N/A Existing: 18.08.450	A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.	Deleted.	Definition is not used in the existing code or the ULUO.
Room and Board Facility	Unified: 18-6.1.030 Existing: 18.08.090	A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided, for compensation, for 3 or more	Group living establishment located in a dwelling or part thereof, other than a traveler's accommodation or hotel, where lodging, with or	Reworded for clarity, but not intended to change the meaning.

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		persons, for a minimum period of 30 days.	without meals, is provided for compensation for a minimum period of 30 days. Personal care, training, and/or treatment is not provided at a room and board facilities. Examples include dormitories, fraternities, sororities, and boarding houses.	
Single-Family Dwelling	Unified: 18-6.1.030 Existing: 18.08.200	A detached building containing one dwelling unit.	A detached <u>or attached structure building</u> containing one dwelling unit <u>located on its own lot</u> .	Language added regarding being attached and located on separate lots to include attached single-family housing (e.g., townhomes).
Setback	Unified: 18-6.1.030 Existing: 18.08.200	The horizontal perpendicular distance from a lot line to the closest part of a building or structure that is subject to a setback or yard requirement. Architectural projections may intrude into required setbacks as set forth in Section 18.68.040. When multi-story setbacks are specified, the setback for a story above the ground floor is measured horizontally from the lot line to the plane of the nearest wall of the upper story.	The minimum distance required between a specified object, such as a building or structure, and another point. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line. A setback is measured horizontally at right angles to the lot line, from the nearest point of the building or structure to the lot line. When multi-story setbacks are specified, the setback for a story above the ground floor	Reworded for clarity, but not intended change the meaning.

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			is measured horizontally from the plane of the nearest wall of the upper story to the lot line.	
Staff Advisor	Unified: 18-6.1.030 Existing: 18.08.660 18.08.640	The Secretary, as defined in 18.08.640, or an authorized representative. Secretary is defined in 18.08.640 as the Secretary to the Planning Commission who is the Director of the City Planning Department.	The Community Development Director or the Community Development Director's authorized representative.	Combines and replaces the existing definitions of staff advisor and secretary.
Street, Alley	Unified: 18-6.1.030 Existing: 18.08.060	A narrow street, 20 feet or less in width, through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street.	A narrow street, 20 feet or less in width , through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street.	The existing street design standards require 16 feet in width for an alley.
Street, Marginal Access	Unified: N/A Existing: 18.08.720	A minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.	Deleted.	The term is not used in the existing code or the ULUO.
Structure	Unified: 18-6.1.030 Existing: 18.08.750	That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some	That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some	Deleted sentence regarding structures 30 inches in height or less relocated to 18-2.4.050.C Yard requirements and General Exceptions because it is a

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		definite manner and which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground. Structures 30 inches in height or less, including entry stairs, uncovered porches, patios and similar structures, are exempt from the side and rear yard setback requirements and from half the yard requirements for the front yard and side yard abutting a public street.	definite manner and which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground. Structures 30 inches in height or less, including entry stairs, uncovered porches, patios and similar structures, are exempt from the side and rear yard setback requirements and from half the yard requirements for the front yard and side yard abutting a public street.	standard rather than a definition.
Subdivision or Subdivide Land	Unified: 18-6.1.030 Existing: 18.08.780	To divide an area or tract of land into 4 or more lots within 12 months.	Division of land creating 4 or more lots within 12 months, <u>except the Performance Standards Option under chapter 18-3.9 includes the division of land creating three lots.</u>	
Temporary Use	Unified: 18-6.1.030 Existing: 18.08.800	A short-term, seasonal, or intermittent use. Such use shall be approved by Conditional Use Permit only, with such conditions as the Commission deems reasonable in accordance	A short-term, seasonal, <u>reoccurring</u> , or intermittent use. Such use must be approved by Conditional Use Permit only, <u>except as exempted in the temporary use section 18-2.2.030.H.</u>	

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		with the Conditional Use standards.		
Tree	Unified: 18-6.1.030 Existing: 18.61.020.M	Tree means any woody plant having a trunk 6 caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than 6 inches DBH. Plants commonly planted as shrubs, including but not limited to English laurel, photinia, arborvitae, poison oak, English holly, and English ivy shall not be considered a "tree". Trees specifically planted and maintained as a hedge shall also not be considered a "tree".	Any woody plant having a trunk 6 caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than 6 inches DBH. Plants commonly planted as shrubs, including but not limited to English laurel, <u>Leyland cypress</u> , photinia, arborvitae, poison oak, English holly, and English ivy shall not be considered a "tree". Trees specifically planted and maintained as a hedge shall also not be considered a "tree".	Leyland cypress is added to the list of plants used as shrubs that are not considered a tree for the purposes of a tree removal permit. The Tree Commission supports this approach. In addition, the FireWise program does not recommend Leyland cypress, especially in a hedge row.
Tree Removal	Unified: 18-6.1.030 Existing: 18.62.030.Z	Tree Removal. The following activities are defined as tree removal: 1. The removal of 3 or more living trees of over 6 inches diameter at breast	Deleted.	Relocated to section that covers actions requiring a Physical Constraints Review Permit (18.3.10.020 Applicability).

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		<p>height (DBH), or the removal of 5% of the total number of living (or dead trees) over 6 inches DBH, whichever is greater, on any lot within 5 year period, or any form of commercial logging;</p> <p>2. The removal of 1 or more living conifers greater than 2 feet DBH, or living broadleaf trees greater than 1 foot DBH.</p>		
Vision Clearance Area	<p>Unified: 18-6.1.030</p> <p>Existing: 18.08.820</p>	<p>A triangular area on a lot at the intersection of 2 streets or a street and a railroad, 2 sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other 2 sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.</p>	<p>Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See also, section 18-2.4.040 Vision Clearance Area.</p>	<p>The previous definition explains how to measure the vision clearance area. This is moved to section 18-2.4.040 Vision Clearance Area, and explained with a series of new graphics.</p>
Wall Sign	<p>Unified: 18-6.1.030</p>	<p>A sign attached to or erected against the wall of a building</p>	<p>A sign attached to or erected against the wall <u>or window</u> of</p>	

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	Existing: 18.96.020.34	with the face in a parallel plane of the building wall.	a building with the face in a parallel plane of the building wall.	
Water Resource	Unified: 18-6.1.030 Existing: 18.63.030	A riparian, local, intermittent or ephemeral stream corridor, or a wetland, as distinguished from a riparian or wetland buffer, which extends upland from the Water Resource.	A riparian, local, intermittent or ephemeral stream corridor, or a wetland, as distinguished from a riparian or wetland buffer, which extends upland from the Water Resource.	Edited for clarity.
Wildfire	Unified: 18-6.1.030 Existing: 18.63.030.AA	Fire caused by combustion of native vegetation, commonly referred to as forest fire or brush fire.	Fire caused by combustion of native vegetation, commonly referred to as forest fire or brush fire, <u>and not a prescribed burn.</u>	
Yard	Unified: 18-6.1.030 Existing: 18.08.850	An open space on a lot which is unobstructed by a structure.	An open space on a lot which is unobstructed by a structure, <u>and measured from a lot line to the nearest point of a building. May also be an area defined by required setbacks (e.g., between a building or structure and nearest property line).</u>	Edited for clarity.

SECTION 6: NEW GRAPHICS

Code Amendment Category	Page Number	Code Reference	Comment
Cottage Housing	2-23	18-2.3.090	Example of cottage housing site layout
Building Separation	3-105	18-3.9.070	Explains visually building separation calculation
Building Orientation	4-11	18-4.2.040.B.1	Example of what building orientation standard requires
On-Street Parking Credit	4-48	18-4.3.060.A	Explains visually on-street parking credit requirements
Parking Area Dimensions	4-56	18-4.3.080.B.3	Details parking space and back-up dimensions
Dividing Parking Lots with 50 or More Spaces	4-57	18-4.3.080.B.4	Example of methods for breaking up larger parking lots
Parking Design to Reduce Environmental Impacts	4-58	18-4.3.080.B.5	Example of parking lot layout using surface parking strategies for reducing environmental impacts (e.g., tree canopy, porous pavement, bioswales)
Driveway Separation for Boulevards, Avenues and Neighborhood Collectors	4-59	18-4.3.080.C.3.a	Details distance required between driveways and between driveway and intersection for boulevard, avenue, and collector streets
Driveway Separation for Neighborhood Streets	4-60	18-4.3.080.C.3.b	Details distance required between driveways and between driveway and intersection neighborhood streets
Pedestrian Access and Circulation	4-65	18-4.3.090.B.3.a	Example of site plan meeting pedestrian access and circulation requirements
Pedestrian Access and Circulation	4-66	18-4.3.090.B.3.b	Example of site plan meeting pedestrian access and circulation requirements
Fence Heights	4-77	18-4.4.060.B.1	Shows fence heights allowed by yard location
Height of Building or Structure	6-14	18-6.1.030	Detail of building height calculation
Corner Lot	6-17	18-6.1.030	Detail of corner lot location

SECTION 6: NEW GRAPHICS

Code Amendment Category	Page Number	Code Reference	Comment
Flag Lot	6-18	18-6.1.030	Detail of flag lot and two distinct parts
Front and Side Lot Lines	6-19	18-6.1.030	Detail of front and side lot locations
Property Line Adjustment	6-25	18-6.1.030	Example of a property line adjustment
North Lot Line	6-30	18-6.1.030	Detail of north lot line location for solar setback calculation
North-South Lot Dimension	6-30	18-6.1.030	Detail of north-south lot dimension measurement
Slope for Solar Setback	6-31	18-6.1.030	Detail of solar setback slope measurement