

ASHLAND PLANNING DIVISION

STAFF REPORT

Addendum 2

July 28, 2020

PLANNING ACTION: PA-L-2020-00008

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

- AMC 18.2.5** Standards for Residential Zones
- AMC 18.3.9** Performance Standards Option and PSO Overlay
- AMC 18.4.2** Building Placement, Orientation, and Design
- AMC 18.4.4** Landscaping, Lighting, and Screening
- AMC 18.6.1** Definitions

REQUEST: The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update and clarify the open space requirements for multifamily and single-family housing developments.

The area and design requirements for open space are consolidated in one section in AMC 18.4.4 Landscaping, Lighting, and Screening. Currently, the standards are located in AMC 18.3.9 Performance Standards Option and PSO Overlay and AMC 18.4.2 Building Placement, Orientation, and Design.

The total amount of required open space is unchanged. New design standards are proposed and the existing design standards for open space are retained. The density bonus for major recreational facilities is deleted.

The definitions for common area, open space and yard are revised to eliminate inconsistent use of the term open space. Several new definitions are included and the definition of unbuildable area and buildable area are revised to correct an unintended omission in the 2015 code update.

I. Ordinance Amendments

A. Project Background

The Planning Commission held public hearings at the April 28, 2020 and May 26, 2020 meetings and unanimously recommended approval of two ordinances at the May 26, 2020 meeting. The Planning Commission did not receive any oral or written testimony at the public hearings. Prior to the public hearings, the Planning Commission discussed

amendments to the open space standards at five public meetings including January 22, 2019, March 26, 2019, August 27, 2019, October 22, 2019 and February 25, 2020.

After the Planning Commission recommended approval of the amendments to the open space standards, the legislative amendment was scheduled for a public hearing at the City Council on June 16, 2020. Before the scheduled meeting, a member of the development community expressed concerns about the proposed surfacing standard and the impact of the new standard on future development proposals. There were also some more minor changes suggested that are covered in section C. Other Standards of this report, below.

The primary concern raised was with the wording in “A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts.” The issues identified were the application of the standard to new planning applications and consistency of the standard with current climate change and environmental issues. As the Planning Commission knows, the rewriting of the surfacing standard during the previous public hearings was the topic of considerable discussion and proved somewhat challenging.

Staff believes that combining the open space standards into one section to make the code more user-friendly and to maintain consistency is the best approach. However, the initial process of combining the standards resulted in open space design standards, specifically those currently in 18.4.2.030.H, newly applying to detached single-family development. Currently, the open space standards in 18.4.2.030.H do not apply to detached single-family development. Between the April 28, 2020 and May 26, 2020 meeting, the play area standard that is currently located in 18.4.2.030.H.4 was moved to the new R-2 and R-3 zones section in 18.4.4.070.C.6 for this reason.

B. Code Revisions

1. Surfacing Standard

Currently, the open space design standards including the existing surfacing standard (see below) are located in Chapter 18.4.2 Building Placement, Orientation, and Design. The open space standards in 18.4.2.030.H apply to developments of multifamily housing and attached single-family housing but do not apply to developments of detached single-family housing.

18.4.2.030 Residential Development

H. Open Space. Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards.

1. Recreation Area. An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.
2. Surfacing. Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.

3. Decks and Patios. Decks, patios, and similar areas are eligible for open space.
4. Play Areas. Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.

The proposed surfacing standard is in 18.4.4.070.C.4.a (see below) of original Ordinance 1 that was in the June 16 City Council meeting packet. Ordinance 1 is attached. As currently written, this standard applies to all common open space in multifamily, attached single-family and detached single-family developments.

- a. **Surfacing. A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.**

2. Code Revisions

There are three versions of the proposed section 18.4.4.070 Open Space attached to this report.

- **Version 1: No changes to originally proposed draft**
This is the originally drafted 18.4.4.070, as it went to the City Council for the June 16, 2020 meeting.
- **Version 2: Move surfacing standard to R-2 and R-3 zones**
Staff recommends that the proposed amendments to the open space standards are revised to address the concerns raised with the surfacing standard. Staff believes the existing surfacing standard was originally intended for multifamily housing developments to provide a flexible outdoor space for residents because private open space may be limited or not provided. In contrast, detached single-family subdivisions include larger individual lots and private yard areas simply due to lot coverage and setback requirements.

Single-family subdivisions require more site area and therefore more common open space than multifamily housing developments with the same number of dwelling units (see table below). As a result, the area comprised of “lawn areas and recreational areas or courts” will also be larger for a single-family subdivision. For example, the common open space required for a 10-unit single-family subdivision is almost four to six times the size of the area required for common open space in a multifamily housing development.

	R-2 Zone	R-3 Zone	R-1-5 Zone
Total Area Required for 10 units	.75 Ac	.50 Ac	2.3 Ac
Minimum Total Open Space	2,614 sq. ft.	1,742 sq. ft.	5,009 sq. ft.
Minimum Common Open Space	1,307 sq. ft.	871 sq. ft.	5,009 sq. ft.
Minimum Area Suitable for Human Use	653 sq. ft.	436 sq. ft.	2,505 sq. ft.

Moving the surfacing standard to the subsection for the multifamily zones, 18.4.4.070.C.6 R-2 and R-3 zones, would retain a portion of the common open space as a usable area that essentially provides a shared yard space for multifamily housing developments.

Staff recommends moving the surfacing standard to subsection 18.4.4.070.C.6 so that the standard applies to new development in the multifamily zones and not to new development in the single-family zones. As discussed below, the surfacing standard currently applies to multifamily and attached single-family housing developments but does not apply to detached single-family developments (i.e., subdivisions). This would address concerns regarding the impact of expanded or new regulations since the surfacing standard currently and would continue to apply to multifamily housing developments.

- **Version 3: Other Recommended Changes**

Three other issues were raised with the proposed section 18.4.4.070 Open Space and are incorporated into the attached Version 3. While the additional revisions detailed in the attached Version 3 are less significant, Staff believes the changes improve the proposed open space standards.

- Table 18.4.4.070.A: Concern that the second and third columns don't make it clear that the percentages are not additive. For the 18.3.9 Performance Standards Option row, the concern was that it might be interpreted to mean that 10 percent of open space was required rather than a total of 5 percent.
- 18.4.4.070.D. Private Open Space: Delete provision that doesn't allow walkway and storage space to be counted as private open space (D.1.b)

and instead increase required private open space area for ground-floor dwelling units to 60 square feet rather than 48 square feet (D.2).

- 18.4.4.070.C.4.b Fences and Walls: Suggested cross referencing in the other section of code that outline fence requirements and multi-use path requirements.

C. Current Standards and Applicability

Chapter 18.4.2 Building Placement, Orientation, and Design, including the residential development standards in 18.4.2.030 and the current open space standards in 18.4.2.030.H, do not currently apply to developments of detached single-family homes.

18.4.2.020 Applicability

- A. Chapter 18.4.2 applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review. Note that some standards apply differently to developments located within Detailed Design Review, Downtown Design Review, and Historic Design Review overlays.

18.4.2.030 Residential Development

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

The residential development that is subject to Site Design Review includes multifamily development (i.e., more than one dwelling unit on a lot) and attached single family development. Detached single-family homes and related accessory structures are exempt from Site Design Review. See the highlighted sections of the code below.

18.5.2.020 Applicability

Site Design Review is required for the following types of project proposals.

- A. **Commercial, Industrial, Non-Residential, and Mixed Uses.** Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030 Review Procedures.
 1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
 2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
 3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.

4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-way.
7. Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, or an change in use that requires a greater number of parking spaces.
8. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined in the zoning regulations of this ordinance.
9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
10. Installation of wireless communication facilities in accordance with section 18.4.10.

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

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

residential use), in accordance with section 18.4.10.

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

1. **Detached single-family dwellings and associated accessory structures and uses.**
2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.
3. Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
4. The following mechanical equipment.
 - a. Private, non-commercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
 - b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
 - c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
 - d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
 - e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
 - f. Routine maintenance and replacement of existing mechanical equipment in all zones.

D. Legislative History

The exclusion of land divisions and related single-family developments from the Site Design Standards was included in the chapter when it was originally adopted in 1982 (Ord. 2228). This original code language, see below, was in place from 1982 until 2008.

SECTION 18.72.030 Application.

Site Design and use standards shall apply to all zones of the city and shall apply to all development indicated in this Chapter, except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).

In 2008, the applicability standards were revised and identified specific types of residential development that were subject to Site Design Review (Ord. 2951). See the attached section of Ord. 2951.

The current open space standards in 18.4.2.030, including the existing surfacing standards, were adopted in 1992 (Ord. 2690).

E. Consistency with City Goals and Policies

One of the concerns raised with the existing and proposed surfacing standards, which tend to result in lawn or occasionally paved areas, is the consistency with adopted City policies on water conservation and climate change. The policies listed below are from adopted City of Ashland documents.

Ashland Comprehensive Plan – XI. Energy, Air and Water Conservation

- 7.c. Irrigation is a large water usage and it also can be accomplished with lower quality water. Therefore, water conservation efforts shall be directed toward an overall reduction of water usage (conservation) and substitution of lower quality water for outdoor irrigation.

Climate and Energy Action Plan (CEAP)

- BE-5-1. Encourage heat-tolerant building approaches such as cool roofs and passive cooling.
- NS-2-1. Evaluate the value and potential for incentives for practices that reduce use of potable water for non-potable purposes and recharge ground water.
- NS-2-2. Explore water-efficient technologies on irrigation systems and consider requiring them during permitting.
- NS-2-3. Expand water conservation outreach and incentive programs for residents and businesses
- PHSW-1-1. Promote the expansion of tree canopy in urban heat islands or areas that need air conditioning such as schools.
- PHSW-3-2. Identify and minimize potential urban heat impacts.

The current standard often results in the common open space developed as lawn which requires higher amount of water than other landscaping alternatives. The proposed standard requires “A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts.” Staff believes it is safe to assume that the proposed standard would also result in lawn areas and possibly paved courts. Paved areas are a concern because of the contribution to increased temperatures or heat islands. The following excerpt regarding the impacts of high temperatures is from the City of Ashland’s adopted Climate Energy and Action Plan (CEAP).

Climate change is expected to increase the number and severity of heat waves in Ashland, putting vulnerable people at greater risk of heat-related health complications and reducing the quality of life for all Ashland residents. The City can take steps to minimize the risks presented by heat waves by identifying where heat-related impacts will be most pronounced and working to encourage and/ or directly implement strategies for offsetting these impacts, such as by designating cooling centers through the city, improving cooling systems in schools and senior centers, and incentivizing cooling strategies such as cool roofs/pavements and expanded tree canopy.

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

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

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

III. Conclusions and Recommendations

Staff recommends revising the proposed amendments to the open space standards to address the concerns raised with the surfacing standard. Staff believes the existing surfacing standard was originally intended for multifamily housing developments to provide a flexible outdoor space for residents because private open space may be limited or not provided. In contrast, detached single-family subdivisions include larger individual lots and private yard areas simply due to lot coverage and setback requirements. Moving the surfacing standard to subsection 18.4.4.070.C.6 R-2 and R-3 Zones would retain a portion of the common open space for multifamily developments as a usable area that essentially provides a shared yard space.

Single-family subdivisions require more site area and therefore more common open space than multifamily housing developments with the same number of dwelling units. As a result, the area comprised of “lawn areas and recreational areas or courts” will also be larger for a single-family subdivision. For example, the common open space required for a 10-unit single-family subdivision is almost four to six times the size of the area required for common open space in a multifamily housing development.

Staff recommends moving the surfacing standard to subsection 18.4.4.070.C.6 so that the standard applies to new development in the multifamily zones and not to new development in the single-family zones. The surfacing standard currently applies to multifamily and attached single-family housing developments but does not apply to detached single-family developments (i.e., subdivisions). This would address concerns regarding the impact of expanded or new regulations since the surfacing standard currently and would continue to apply to multifamily housing developments.

While the additional revisions detailed in the attached Version 3 are less significant, Staff believes the changes improve the proposed open space standards.

Staff will forward the Planning Commission’s recommendation to the City Council for a public hearing. The draft amendments to the open space standards and accompanying terminology corrections are tentatively scheduled for a public hearing and first reading at the September 22, 2020 City Council meeting.

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

6
7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

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10 **SECTION 2.** Section 18.2.5.080 [Residential Density Calculation in R-2 and R-3 Zones -
11 Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read
12 as follows:

13 18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones

14 **A. Density Standard.** Except density gained through bonus points under section 18.2.5.080 or
15 chapter 18.3.9 Performance Standards Option **and PSO Overlay**, development density in
16 the R-2 and R-3 zones shall not exceed the densities established by this section.

17 **B. Density Calculation.**

- 18 1. Except as specified in the minimum lot area dimensions below, the density in R-2 an R-3
19 zones shall be computed by dividing the total number of dwelling units by the acreage of
20 the project, including land dedicated to the public, and subject to the exceptions below.
- 21 2. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the
22 purposes of density calculations.
- 23 3. Accessory residential units are not required to meet the density or minimum lot area
24 requirements of this section. See section 18.2.3.040 for accessory residential unit
25 standards.

26 **C. Minimum Density.**

- 27 1. The minimum density shall be 80 percent of the calculated base density.
- 28 2. Exceptions to minimum density standards. The following lots are totally or partially
29 exempt from minimum density standards.
 - 30 a. Lots less than 10,000 sq. ft. in existence prior to the effective date of this ordinance.
 - b. Lots located within any Historic District designated within the Ashland Municipal Code.
 - c. Lots with existing or proposed conditional uses may be exempt for that portion of the property that is subject to the conditional use for calculations of the minimum base density standard.
 - d. Where a lot is occupied by a single-family residence **prior to** January 9, 2005 (Ord.

1 2914), the single-family residence may be enlarged or reconstructed without being
2 subject to the minimum base density standard.

- 3 e. In the event that a fire or natural hazard destroys a single-family residence, such
4 residence may be replaced without being subject to the minimum base density
5 standard.
- 6 f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist
7 upon the lot an exception to minimum density requirements may be obtained to
8 better meet the standards of chapter 18.3.10 Physical and Environmental
9 Constraints **Overlay**.
- 10 g. A lot that is nonconforming in minimum density may not move further out of
11 conformance with the minimum density standard. However, units may be added to
12 the lot which bring the lot closer to conformance without coming all the way into
13 conformance provided it is demonstrated that the minimum density will not be
14 precluded.

15 **D. Base Densities and Minimum Lot Dimensions.**

- 16 1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
- 17 a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in
18 section 18.2.3.040 for accessory residential units.
- 19 b. Minimum lot area for two units shall be 7,000 square feet.
- 20 c. Minimum lot area for three units shall be 9,000 square feet, except that the
21 residential density bonus in subsection 18.2.5.080.F, below, may be used to increase
22 density of lots greater than 8,000 square feet up to three units.
- 23 d. For more than three units, the base density shall be 13.5 dwelling units per acre. The
24 permitted base density shall be increased by the percentage gained through the
25 residential density bonus in subsection 18.2.5.080.F.
- 26 2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:
- 27 a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in
28 section 18.2.3.040 for accessory residential units.
- 29 b. Minimum lot area for two units shall be 6,500 square feet.
- 30 c. Minimum lot area for three units shall be 8,000 square feet.
- d. For more than three units, the base density shall be 20 dwelling units per acre. The
permitted base density shall be increased by the percentage gained through the
residential density bonus in subsection 18.2.5.080.F, below.

E. Exceptions. An accessory residential unit is not required to meet density or minimum lot
area requirements per section 18.2.3.040.

F. Residential Density Bonus.

1. Density Bonus Points Authorized. Except as allowed under chapter 18.3.9 Performance
Standards Option **and PSO Overlay**, the permitted base density shall be increased only
pursuant to this section.

- 1 2. Maximum Density Bonus Points. The total maximum bonus permitted shall be 60
2 percent.
- 3 3. Density Bonus Point Criteria. The following bonuses shall be awarded:
- 4 a. *Conservation Housing.* The maximum bonus for conservation housing is 15 percent.
5 One hundred percent of the homes or residential units approved for development,
6 after density bonus point calculations, shall meet the minimum requirements for
7 certification as an Earth Advantage home, as approved by the Conservation Division
8 under the City' s Earth Advantage program as adopted by resolution 2006-6.
- 9 b. *Common OpenOutdoor Recreation Space.* The maximum bonus for provision of
10 common open outdoor recreation space above minimum requirement
11 established by this ordinance is ten percent. A one percent bonus shall be
12 awarded for each one percent of the total project area in common open space
13 in excess of any common or private open space required by section 18.4.4.070
14 and this ordinance. The common open space shall meet the standards in
15 section 18.4.4.070. The purpose of the density bonus for outdoor recreational
16 space is to permit areas that could otherwise be developed as a recreational
17 amenity. It is not the purpose of this provision to permit density bonuses for
18 incidental open spaces that have no realistic use by project residents on a
19 day-to-day basis. One percent increased density bonus for each percent of the
20 project dedicated to outdoor recreation space beyond the minimum
21 requirement of this ordinance.
- 22 ~~c. *Major Recreational Facilities.* The maximum bonus for provision of major~~
23 ~~recreational facilities is ten percent. Density bonus points shall be awarded for~~
24 ~~the provision of major recreational facilities, such as tennis courts, swimming~~
25 ~~pools, playgrounds, or similar facilities. For each one percent of the total~~
26 ~~project cost devoted to recreational facilities, a six percent density bonus shall~~
27 ~~be awarded to a maximum of ten percent. Total project cost shall be defined as~~
28 ~~the estimated sale price or value of each residential unit times the total number~~
29 ~~of units in the project. Estimated value shall include the total market value for~~
30 ~~the structure and land. A qualified architect or engineer using current costs of~~
~~recreational facilities shall estimate the cost of the recreational facility for City~~
~~review and approval.~~
- dc. *Affordable Housing.* The maximum bonus for affordable housing is 35 percent.
Developments shall receive a density bonus of two units for each affordable housing
unit provided. Affordable housing bonus shall be for residential units that are
guaranteed affordable in accord with the standards of section 18.2.5.050.

30 **SECTION 3.** Section 18.3.9.050 [Performance Standards for Residential Developments -
Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby
amended as follows:

18.3.9.050 Performance Standards for Residential Developments

A. Base Densities. The density of the development shall not exceed the density established

1 by this section. The density shall be computed by dividing the total number of dwelling units
 2 by the acreage of the project, including land dedicated to the public. Fractional portions of
 3 the final answer, after bonus point calculations, shall not apply towards the total density.
 4 Accessory residential units are not required to meet the density requirements of this chapter
 in accordance with section 18.2.3.040.

- 5
 6 1. The base density, for purposes of determining density bonuses allowed under this
 7 section, for developments other than cottage housing, is as provided in Table
 8 18.3.9.050.

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

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 27 **2. Cottage Housing.** The base density for cottage housing developments, for purposes of
 28 determining density bonuses, allowed under this section is as provided in Table
 29 18.3.9.050.A.2. **Cottage housing developments are not eligible for density bonuses**
 30 **pursuant to subsection 18.3.9.050.B.**

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

3. Common Open Space Required. All developments subject to this section with a base density of ten units or greater shall be required to provide common open space pursuant to section 18.4.4.070, a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space in excess of the five percent required by this subsection.

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

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

1 basis. ~~The purpose of the density bonus for common open space is to permit~~
2 ~~areas, which could otherwise be developed or sold as individual lots, to be~~
3 ~~retained in their natural state or to be developed as a recreational amenity. It~~
4 ~~is not the purpose of this provision to permit density bonuses for incidental~~
5 ~~open spaces that have no realistic use by project residents on a day-to-day~~
6 ~~basis. Open space provided in cottage housing developments, meeting the~~
7 ~~standards of section 18.2.3.090 Cottage Housing, is not eligible for density~~
8 ~~bonus points.~~

- 9 b. *Standard.* Developments with fewer than ten units that provide more than two
10 percent of the project area for common open space, or for developments of ten units
11 or greater that provide more than five percent **common** open space, a one percent
12 bonus shall be awarded for each one percent of the total project area in common
13 open space **in excess of any common open space required by section**
14 **18.4.4.070 and this ordinance. The common open space shall meet the**
15 **standards in section 18.4.4.070.**

16 ~~**3. Provision of Major Recreational Facilities.** A maximum ten percent bonus is~~
17 ~~allowed, pursuant to the following.~~

18 ~~a. *Purpose.* Points may be awarded for the provision of major recreational~~
19 ~~facilities.~~

20 ~~b. *Standard.* For each percent of total project cost devoted to recreational~~
21 ~~facilities, a six percent density bonus may be awarded up to a maximum of ten~~
22 ~~percent bonus. Total project cost shall be defined as the estimated sale price~~
23 ~~or value of each residential unit times the total number of units in the project.~~
24 ~~Estimated value shall include the total market value for the structure and land.~~
25 ~~A qualified architect or engineer shall prepare the cost of the recreational~~
26 ~~facility using current costs of recreational facilities.~~

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

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

SECTION 4. Section 18.4.2.030 [Residential Development – Building Placement, Orientation,
and Design] of the Ashland Land Use Ordinance is hereby amended as follows:

18.4.2.030 Residential Development

A. Purpose and Intent. For new multi-family residential developments, careful design
considerations must be made to assure that the development is compatible with the
surrounding neighborhood. For example, the use of earth tone colors and wood siding will
blend a development into an area rather than causing contrast through the use of
overwhelming colors and concrete block walls.

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1. Crime Prevention and Defensible Space.

- a. *Parking Layout.* Parking for residents should be located so that distances to dwellings are minimized. However, avoid designs where parking areas are immediately abutting dwelling units because there is little or no transition from public to private areas. Parking areas should be easily visible from adjacent areas and windows.
- b. *Orientation of Windows.* Windows should be located so that vulnerable areas can be easily surveyed by residents.
- c. *Service and Laundry Areas.* Service and laundry areas should be located so that they can be easily observed by others. Windows and lighting should be incorporated to assure surveillance opportunities. Mail boxes should not be located in dark alcoves out of sight. Barriers to police surveillance such as tall shrubs and fences should be avoided.
- d. *Hardware.* Reliance solely upon security hardware in lieu of other alternatives is discouraged.
- e. *Lighting.* Site development should utilize lighting prudently. More lighting does not necessarily mean better security. Lighting should be oriented so that areas vulnerable to crime are accented.
- f. *Landscaping.* Plant materials such as high shrubs should be placed so that surveillance of semi-public and semi-private areas is not blocked. Thorny shrubs will discourage crime activity. Low shrubs and canopy trees will allow surveillance, hence, reduce the potential for crime.

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

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

C. Building Orientation. Residential buildings that are subject to the provisions of this chapter shall conform to all of the following standards. See also, solar orientation standards in section 18.4.8.050.

- 1. **Building Orientation to Street.** Dwelling units shall have their primary orientation toward a street. Where residential buildings are located within 20 feet of a street, they shall have a primary entrance opening toward the street and connected to the right-of-way via an approved walkway.
- 2. **Limitation on Parking Between Primary Entrance and Street.** Automobile circulation or off-street parking is not allowed between the building and the street. Parking areas shall be located behind buildings, or on one or both sides.

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3. **Build-to Line.** Where a new building is proposed in a zone that requires a build-to line or maximum front setback yard, except as otherwise required for clear vision at intersections, the building shall comply with the build-to line standard.

D. **Garages.** The following standards apply to garages, carports, canopies, and other permanent and temporary structures used for parking or storing vehicles, including those parking and vehicle storage structures accessory to detached single-family dwellings. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages. For the purpose of this subsection, a garage opening is considered to be facing a street where the opening is parallel to or within 45 degrees of the street right-of-way line.

1. **Alleys and Shared Drives.** Where a lot abuts a rear or side alley, or a shared driveway, including flag drives, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.

2. **Setback for Garage Opening Facing Street.** The minimum setback for a garage (or carport) opening facing a street is 20 feet. This provision does not apply to alleys.

E. **Building Materials.** Building materials and paint colors should be compatible with the surrounding area. Very bright primary or neon-type paint colors, which attract attention to the building or use, are unacceptable.

F. **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.

G. **Landscaping and Recycle/Refuse Disposal Areas.** Landscaping and recycle/refuse disposal areas shall be provided pursuant to chapter 18.4.4.

H. **Open Space.** ~~Residential developments that are subject to the provisions of this chapter shall conform to all of the following standards. Common and/or private open space are required to be provided pursuant to section 18.4.4.070.~~

~~1. **Recreation Area.** An area equal to at least eight percent of the lot area shall be dedicated to open space for recreational use by the tenants of the development.~~

~~2. **Surfacing.** Areas covered by shrubs, bark mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.~~

~~3. **Decks and Patios.** Decks, patios, and similar areas are eligible for open space.~~

~~4. **Play Areas.** Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for open space.~~

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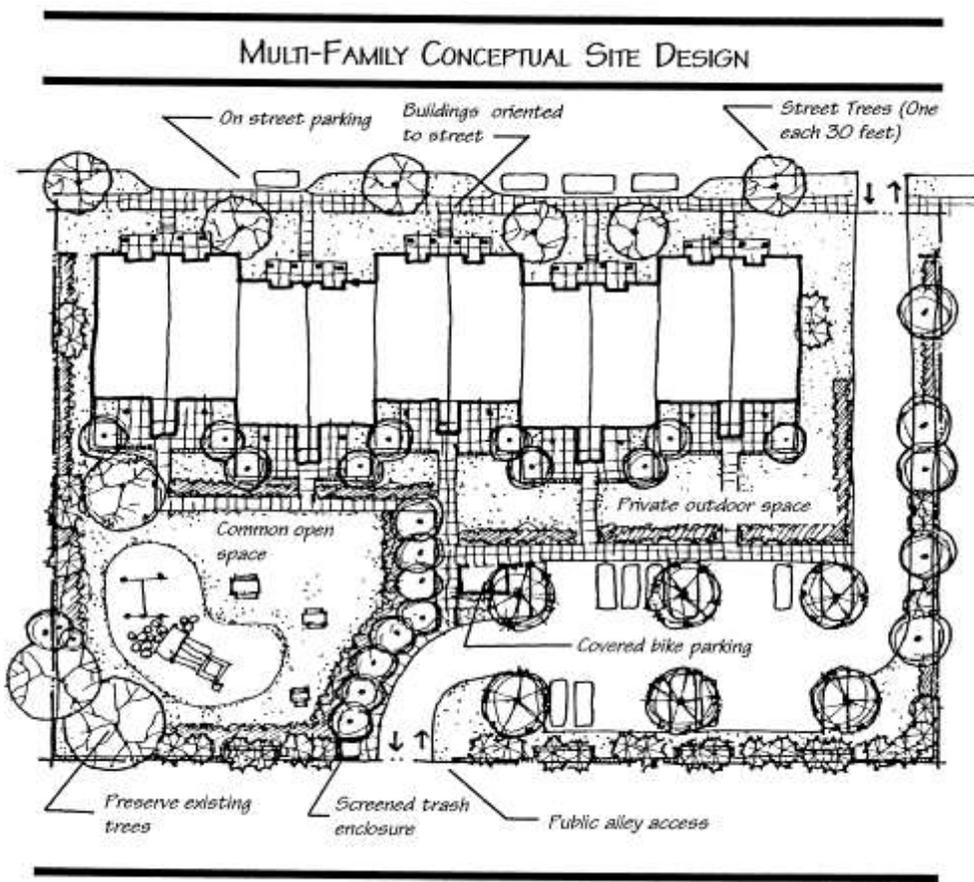


Figure 18.4.2.030
Multi-Family Conceptual Site Design

SECTION 5. Section 18.4.4.020 [Applicability – Landscaping, Lighting, and Screening] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.4.020 Applicability

The requirements of chapter 18.4.4 apply, as follows.

- A. Landscaping and Screening.** Section 18.4.4.030 establishes design standards for landscaping and screening, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.
- B. Recycling and Refuse.** Section 18.4.4.040 establishes design standards for recycle and refuse disposal areas, and applies to residential, commercial, and manufacturing developments that are subject to chapter 18.5.2 Site Design Review.
- C. Outdoor Lighting.** Section 18.4.4.050 establishes standards for outdoor lighting, and applies to all new outdoor lighting installed or replaced after *[effective date]*.
- D. Fences and Walls.** Section 18.4.4.060 establishes design standards for fences and walls. This section applies where a fence or wall is erected, extended, or otherwise altered; it also

applies to hedges and screen planting and situations where this ordinance requires screening or buffering.

E. Open Space. Section 18.4.4.070 establishes standards for open space, and applies to residential developments that are subject to chapter 18.5.2 Site Design Review and/or 18.3.9 Performance Standards Option and PSO Overlay. Certain sections of this ordinance require common and/or private open space as part of review under chapter 18.5.2. Site Design Review or chapter 18.3.9 Performance Standards Option and PSO Overlay. Certain other sections allow common open space to be provided in order to obtain density bonuses. All those section reference 18.4.4.070, which establishes standards for common and private open space.

EE. Exceptions and Variances. Requests to depart from the landscaping and screening requirements in section 18.4.4.030, recycling and refuse requirements in 18.4.4.040, and outdoor lighting in section 18.4.4.050 are subject to subsection 18.5.2.050.E Exception to the Site Development and Design Standards. Requests to depart from the fence and wall requirements in section 18.4.4.060 are subject to chapter 18.5.5 Variances.

SECTION 6. Section 18.4.4.070 Open Space [Landscaping, Lighting, and Screening] is added to the Ashland Land Use Ordinance as follows.

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
<u>Required Planning Action</u>	<u>Minimum Area Required for Open Space</u>	<u>Minimum Area Required for Common Open Space</u>	<u>Open Space Requirement May Be Met by Combining Common and Private Open Spaces</u>	<u>Density Bonus Available for Common Open Space in Excess of Base Requirement</u>
<u>18.5.2 Site Design Review</u>	<u>8 percent of total lot area</u>	<u>4 percent of total lot area for developments with a base density of 10 units or more</u>	<u>yes</u>	<u>After 8 percent of total lot area is met</u>
<u>18.3.9 Performance Standards Option and PSO Overlay</u>	<u>5 percent of total lot area for developments with a base density of 10 units or more</u>	<u>5 percent of total lot area for developments with a base density of 10 units or more</u>	<u>no</u>	<u>After 5 percent of total lot area is met for developments with a based density of 10 units or more</u> <u>After 2 percent of total lot area for developments with</u>

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
<u>Required Planning Action</u>	<u>Minimum Area Required for Open Space</u>	<u>Minimum Area Required for Common Open Space</u>	<u>Open Space Requirement May Be Met by Combining Common and Private Open Spaces</u>	<u>Density Bonus Available for Common Open Space in Excess of Base Requirement</u>
				<u>less than 10 units</u>
<u>18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay</u>	<u>8 percent of total lot area</u>	<u>4 percent of total lot area for developments with a base density of 10 units or more</u>	<u>yes</u>	<u>After 8 percent of total lot area is met</u>

B. General Standards.

- 1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.**
- 2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.**
- 3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.**
- 4. Timing.**
 - a. Common Open Space. Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.**
 - b. Private Open Space. Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.**

1 5. Ownership and Maintenance. Common open space shall be set aside as common
2 area for the use of residents of the development. Maintenance of common open
3 space shall be the responsibility of the property owner(s) or by an association of
4 owners (i.e., homeowners association).

5 C. Common Open Space. Common open space shall meet the following standards. See
6 definition of common open space in part 18-6.

7 1. Dimensional Standards. Common open space shall have no dimension that is less
8 than 20 feet and a minimum area of 400 square feet, except as described below.

9 a. Pedestrian Connections. Walkways and multi-use paths shall contribute
10 toward meeting the required common open space area when at least one
11 common open space is provided that meets the dimensional standards in
12 subsection 18.4.4.070.C.1, above. Pedestrian connections may be located
13 within a required buffer or perimeter yard area. Sidewalks in the public right-
14 of-way (i.e., public street) and walkways providing access to individual units
15 may not be counted towards this requirement.

16 b. Natural Features. Common open space may include areas that provide for the
17 preservation or enhancement of natural features that meet the requirements of
18 this section and the definition of common open space. See definition of
19 common open space in part 18-6. Natural features located in common open
20 space shall be counted toward meeting common open space requirements.
21 Natural features may be located within a required buffer or perimeter yard area.

22 2. Location. Common open space shall not be located within a required yard
23 abutting a street, except for pedestrian connections and natural features as
24 provided in subsection 18.4.4.070.C.1, above.

25 3. Slope. Common open space designed for active use, such as lawn and picnic
26 areas, shall be located on slopes less than five percent, except for areas regulated
27 by the Building Code (e.g., walkways). Natural areas designed for passive use,
28 such as riparian corridors and wetlands, may be located on slopes greater than
29 five percent.

30 4. Improvements. The common open space shall contain one or more of the
following: outdoor recreational area or facilities, lawn and picnic areas,
community gardens, natural area with benches, seating areas, walking paths, or
similar outdoor amenities as appropriate for the intended residents.

a. Surfacing. A minimum of 50 percent of the common open space must be
covered in suitable surfaces for human use, such as lawn areas and
recreational fields or courts. Up to 50 percent of the common open space may
be covered by shrubs, mulch, and other grounds covers that do not provide
suitable surfaces for human use if the area is usable for the intended
residents, such as community gardens or a natural area with benches and
walking paths.

b. Structures. Common open space may include structures and outdoor furniture
typically associated with outdoor recreation such as decks, gazebos, arbors,

1 benches, and tables. Structures located in common open space shall be
2 unenclosed and uninhabitable. Unenclosed for the purpose of this subsection
3 means 50 percent or more of the walls are 42 inches in height or less, but the
4 structure may be covered.

5 c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located
6 on the perimeter of common open space shall not exceed four feet in height,
7 except that fences in front yards and on the perimeter of the development shall
8 meet the fence height requirements of section 18.4.4.060. This requirement
9 shall not apply to fences located on properties adjoining but not located within
10 a proposed development. See section 18.4.4.060 Fencing and Walls for fence
11 permit and design standard requirements.

12 d. *Landscaping.* Common open space shall be landscaped in accordance with
13 section 18.4.4.030 Landscaping and Screening.

14 6. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above,
15 common open space in the R-2 and R-3 zones shall meet the following
16 requirements.

17 a. *Play Areas.* Play areas for children are required for projects of greater than 20
18 units that are designed to include families. Play areas are eligible for common
19 open space.

20 b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open
21 space may be granted when the development is located within one-eighth of a
22 mile walking distance of an existing public park. Distance from the
23 development to the park shall be measured from the lot line via a sidewalk,
24 multi-use path or pedestrian way located in a public right-of-way or public
25 pedestrian easement.

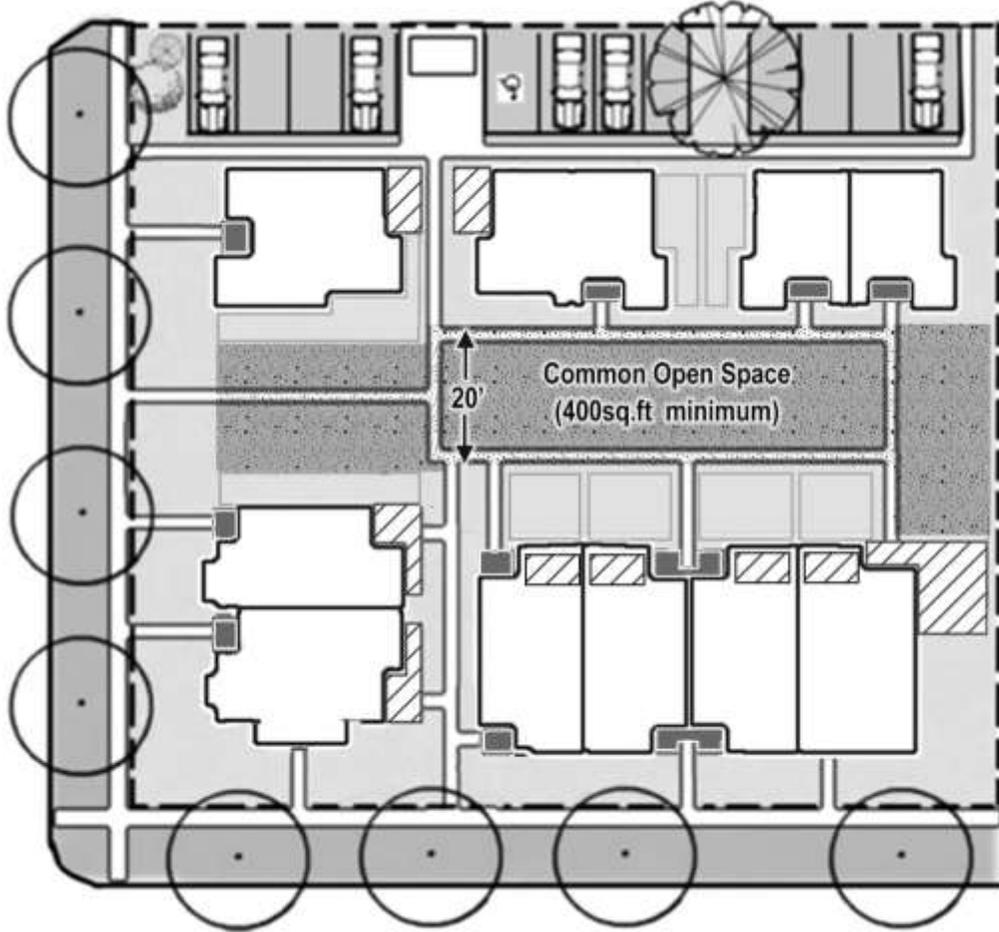


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

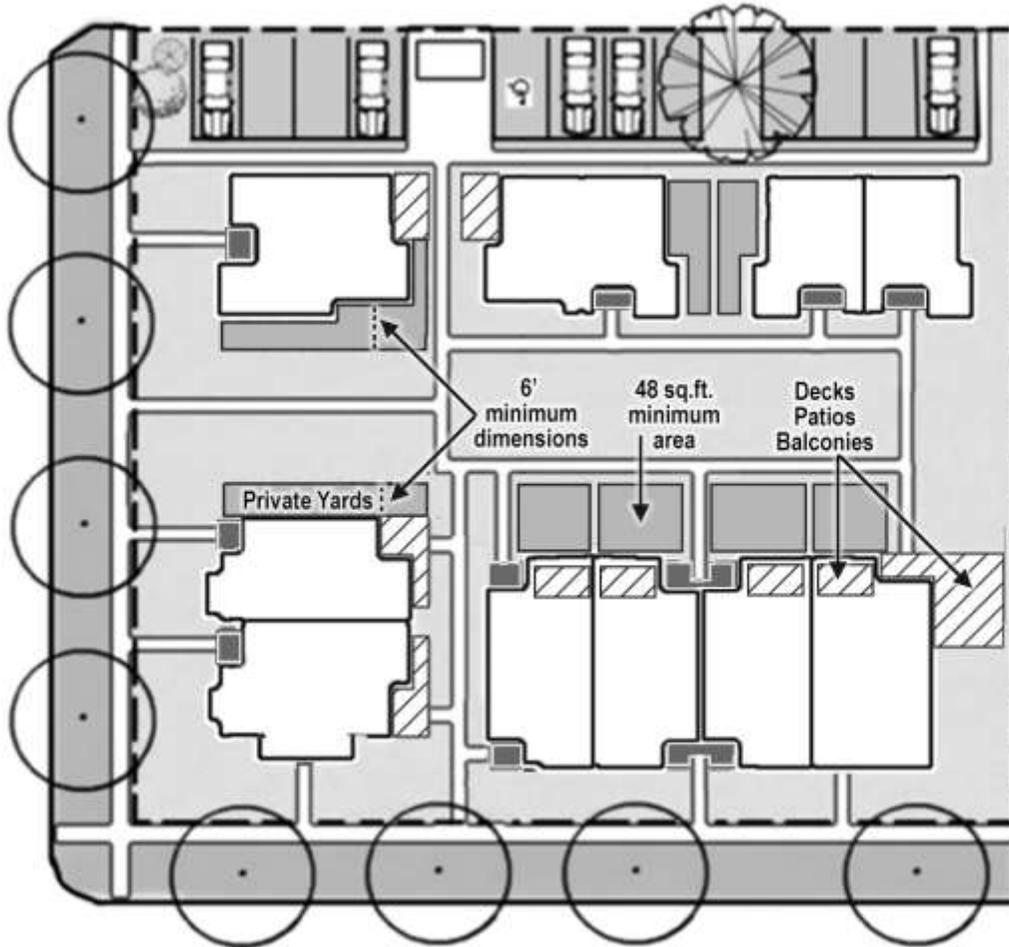
1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

a. Access. Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

b. Walkways and Storage Space. The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.

1 **2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six**
2 **feet deep and measuring at least 48 square feet. Ground-floor private open space**
3 **shall not be located within 12 feet of recycling and refuse disposal areas. See**
4 **definition of ground-floor dwelling unit in part 18-6.**

5 **3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and**
6 **measuring at least 48 square feet. See definition of upper-floor dwelling unit in**



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26 **Figure 18.4.4070.D**
27 **Private Open Space**

28 **SECTION 7.** Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance
29 is hereby amended to read as follows:

30 **Buildable Area.** That portion of an existing or proposed lot that can be built upon.

1 **Common Area.** Land jointly owned by an association of owners or permanently designated
2 for the use of all residents of a development to that includes shared site facilities and
3 amenities such as open space, landscaping, streets, driveways, parking, loading
4 areas or recreation, recycling and refuse disposal areas, and storage structures (e.g.,
5 may be managed by a homeowners' association).

6 **Ground-Floor Dwelling Unit.** A residential unit with the entrance, front or rear, that is
7 within five feet of the finished grade. The distance to finished grade is measured
8 vertically at a right angle from the doorsill to the finished grade.

9 **Open Space.** ~~A common area designated on the final plans of the development,~~
10 ~~permanently set aside for the common use of the residents of the development. Open~~
11 ~~space area is landscaped and/or left with a natural vegetation cover, and does not~~
12 ~~include thoroughfares, parking areas, or improvements other than recreational~~
13 ~~facilities. Land or water with its surface predominately open to the sky or~~
14 ~~predominantly undeveloped unless otherwise specified, that is designated or set~~
15 ~~aside to serve the purpose of providing park and recreation activities, conserving~~
16 ~~natural resources, collecting and treating storm water, providing amenity space for~~
17 ~~private developments, or creating a pattern of development. Open space does not~~
18 ~~include thoroughfares, parking areas or improvements other than recreational~~
19 ~~facilities areas such as streets, driveways, parking, loading areas, recycling and~~
20 ~~refuse disposal areas, and storage structures.~~

- 21 1. Common Open Space. An area for the use or enjoyment of all residents of a
22 development (e.g., multifamily dwelling units) or subdivision such as recreational
23 areas or facilities, lawn and picnic areas, community gardens, and natural areas
24 with benches, seating areas, or walking paths.
- 25 2. Private Open Space. An area intended for private outdoor use by residents of an
26 individual dwelling unit. Private open space includes decks, patios, porches,
27 balconies, side and rear yards, and similar areas.
- 28 3. Public Open Space or Park. An area owned or managed by a public or private
29 agency and maintained for the use and enjoyment of the general public. Examples
30 of public open space include public parks and recreation facilities, trail easements
and systems, nature preserves, public plazas, and other public outdoor meeting
areas.

Park. See definition of Public Open Space.

Play Area. A piece of land specifically designed for and equipped to enable children to
play outdoors.

Upper-Floor Dwelling Unit. A residential unit with the entrance, front or rear, that is more

1 than five feet above the finished grade. The distance from finished grade is measured
2 vertically at a right angle from finished grade to the doorsill.

3 ~~Unbuildable Area. All areas outside of building envelopes and within open space. That~~
4 ~~portion of an existing or proposed lot that building upon is restricted by regulations.~~
5 Unbuildable area includes but is not limited to required yards, easements, and Flood
6 Plain Corridor, Hillside, and Severe Constraints Lands as classified in section
7 18.3.10.060. For the purposes of implementing chapter 18.4.8 Solar Access,
8 unbuildable area does not include a required solar setback area.

9 ~~Yard. An open space on outdoor area of~~ a lot which is unobstructed by a structure, except as
10 allowed in section 18.2.4.050 Yard Requirements and General Exceptions, and
11 measured from a lot line to the nearest point of a building. May also be an area defined by
12 required setbacks (e.g., between a building or structure and nearest property line).

- 13 4. ~~Yard, Front.~~ A yard between side lot lines and measured horizontally at right angles to
14 the front lot line from the front lot line to the nearest point of the building.
15 5. ~~Yard, Side. An open space yard~~ between the front and rear yards measured
16 horizontally and at right angles from the side lot line to the nearest point of the building.
- 17 6. ~~Yard, Rear.~~ A yard between side lot lines and measured horizontally at right angles to
18 the rear yard line from the rear yard line to the nearest point of the building.

19 **SECTION 8. Codification.** In preparing this ordinance for publication and distribution, the City
20 Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such
21 limitations, may:

- 22 (a) Renumber sections and parts of sections of the ordinance;
23 (b) Rearrange sections;
24 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
25 (d) Delete references to repealed sections;
26 (e) Substitute the proper subsection, section, or chapter numbers;
27 (f) Change capitalization and spelling for the purpose of uniformity;
28 (g) Add headings for purposes of grouping like sections together for ease of reference; and
29 (h) Correct manifest clerical, grammatical, or typographical errors.

30 **SECTION 9. Severability.** Each section of this ordinance, and any part thereof, is severable,
and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
remainder of this ordinance shall remain in full force and effect.

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The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2020, and duly PASSED and ADOPTED this ____ day of _____, 2020.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2020.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

Option 1: No Changes to Originally Proposed Draft

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.
 - a. *Common Open Space.* Common open space shall be constructed and landscaped

prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.

b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.

5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. Common open space shall meet the following standards. See definition of common open space in part 18-6.

1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.

a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.

b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.

2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.

3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.

4. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in

- suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.
- b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.
 - c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.
 - d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.
5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.
- a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.
 - b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

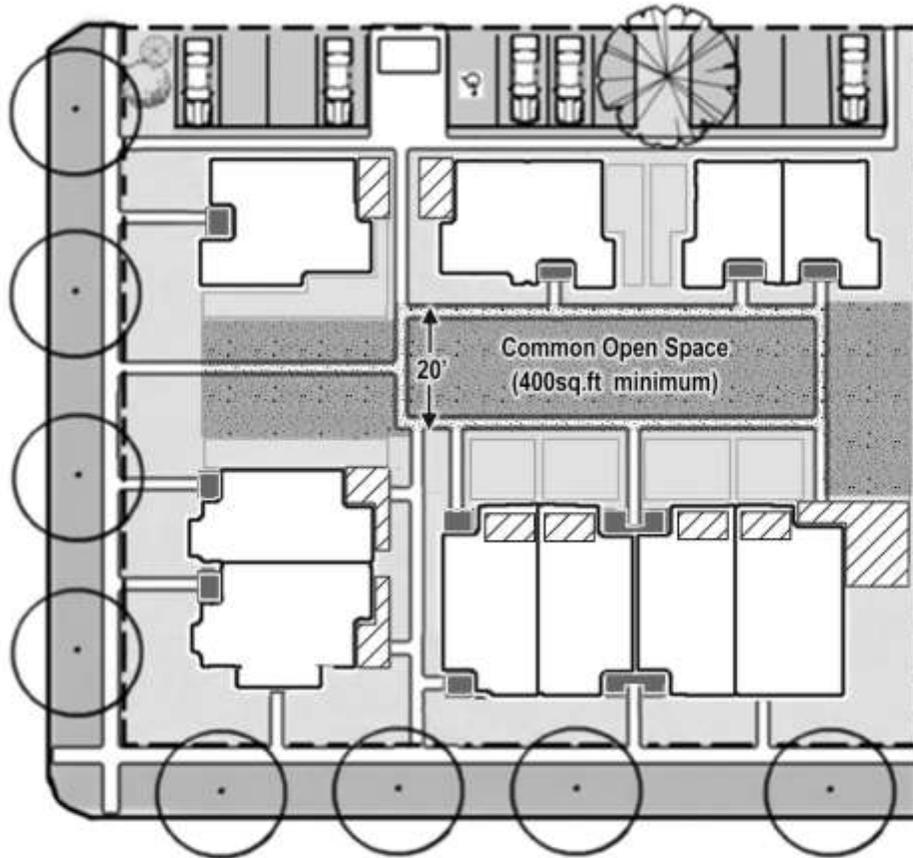


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.
 - a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.
 - b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.
2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

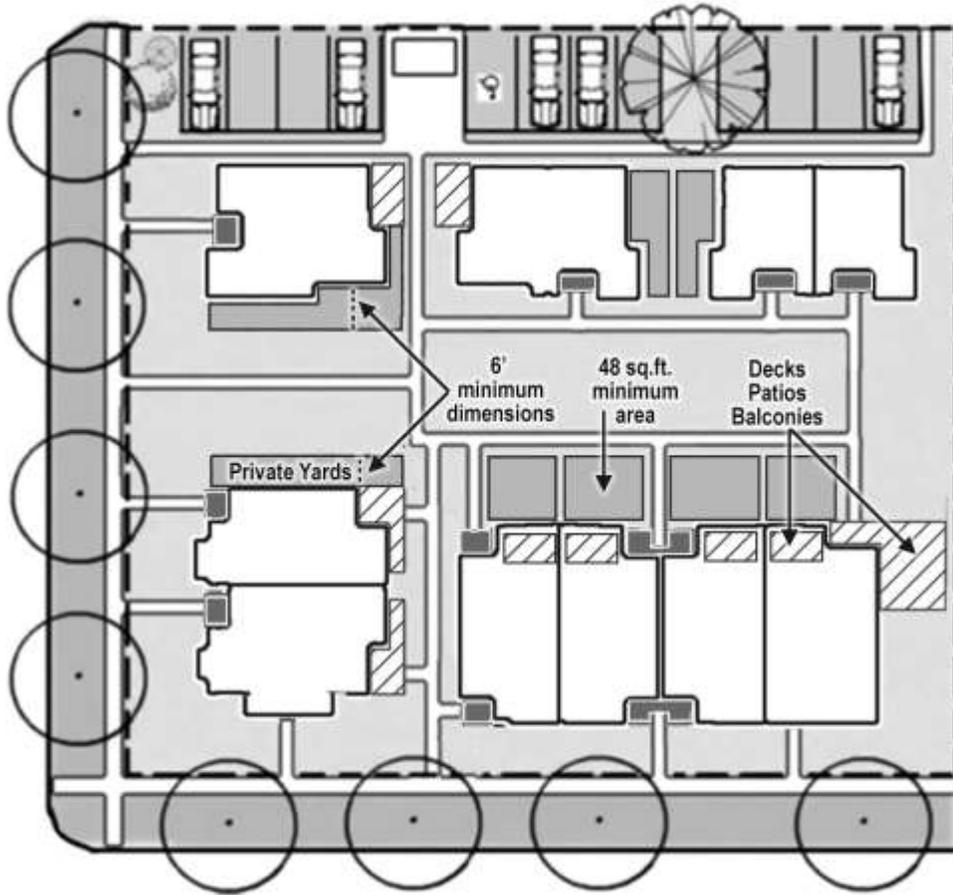


Figure 18.4.4070.D
Private Open Space

Option 2: Move surfacing standard to R-2 and R-3 zones

Amended text is shown in red

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Area Required for Open Space	Minimum Area Required for Common Open Space	Open Space Requirement May Be Met by Combining Common and Private Open Spaces	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5 percent of total lot area for developments with a base density of 10 units or more	5 percent of total lot area for developments with a base density of 10 units or more	no	After 5 percent of total lot area is met for developments with a based density of 10 units or more After 2 percent of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8 percent of total lot area	4 percent of total lot area for developments with a base density of 10 units or more	yes	After 8 percent of total lot area is met

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.

- a. *Common Open Space.* Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.
 - b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.
 5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).
- C. Common Open Space.** Common open space shall meet the following standards. See definition of common open space in part 18-6.
1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.
 - a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.
 - b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.
 2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.
 3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural areas designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.
 4. Improvements. The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

- ~~a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.~~
- ~~ab. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.~~
- ~~bc. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.~~
- ~~cd. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening.~~
5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.
- a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas, recreational fields, or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural area with benches and walking paths.
- ba. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.
- cb. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

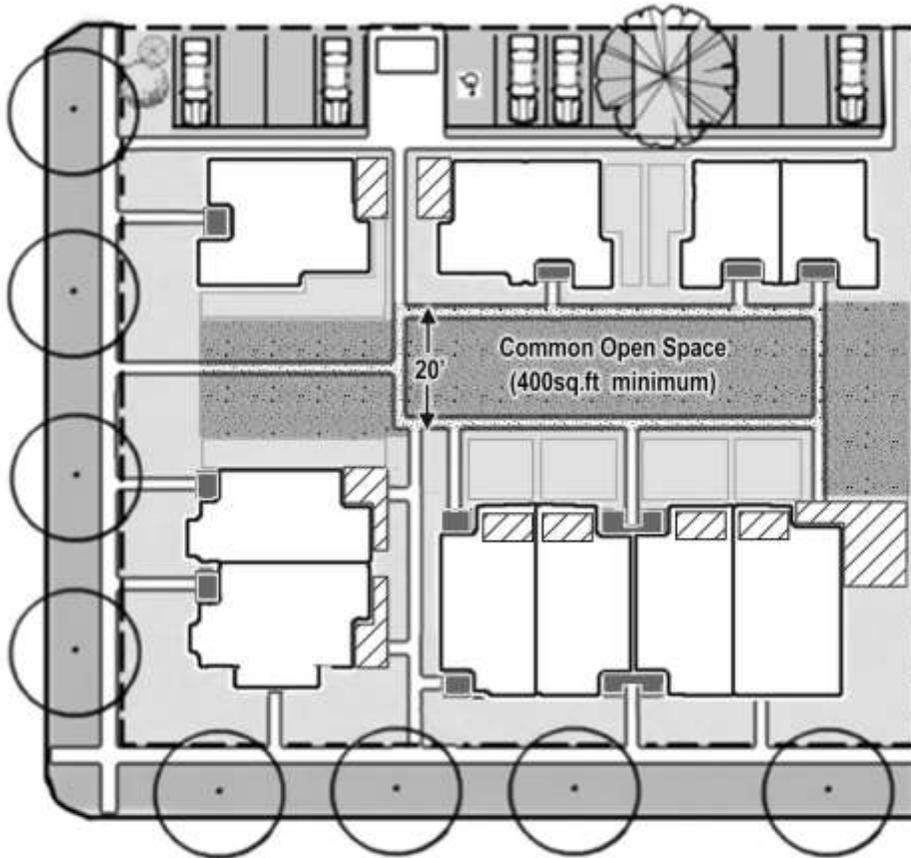


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.
 - a. *Access.* Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.
 - b. *Walkways and Storage Space.* The minimum area required for private open space shall not include area for ingress and egress to a ground-floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.
2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

deep and measuring at least 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

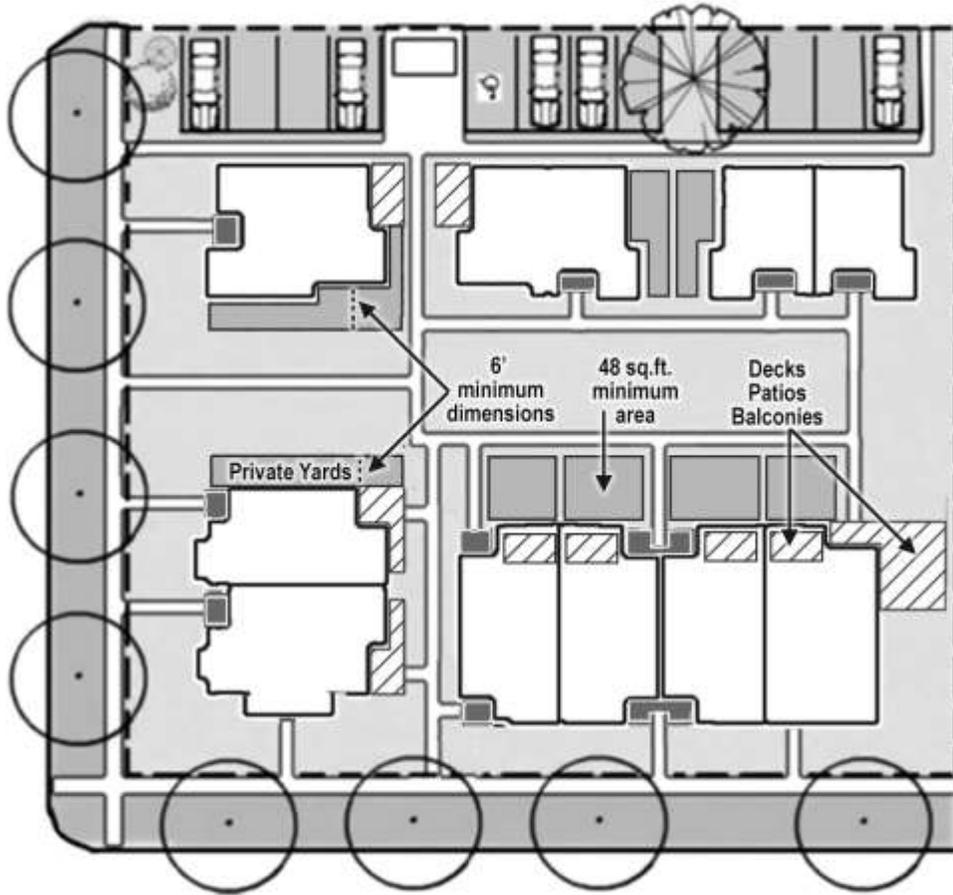


Figure 18.4.4070.D
Private Open Space

Option 4: Other Recommended Changes

Amended text is shown in red

18.4.4.070 Open Space

A. Required Area. Table 18.4.4.070.A contains the minimum areas when common or private open space is required by this ordinance. See definition of open space in part 18-6.

Table 18.4.4.070.A – Minimum Area Required in Common or Private Open Space				
Required Planning Action	Minimum Total Area Required for Open Space	Minimum Area Required for Common Open Space	Maximum Area Allowed in Private Open Space <i>Open Space Requirement May Be Met by Combining Common and Private Open Spaces</i>	Density Bonus Available for Common Open Space in Excess of Base Requirement
18.5.2 Site Design Review	8% of total lot area	4% of total lot area for developments with a base density of 10 units or more	4% of total lot area for developments with a base density of 10 units or more <i>yes</i>	After 8% of total lot area is met
18.3.9 Performance Standards Option and PSO Overlay	5% of total lot area for developments with a base density of 10 units or more	5% of total lot area for developments with a base density of 10 units or more	N/A, 5% of total lot area must be common open space <i>no</i>	After 5% of total lot area is met for developments with a based density of 10 units or more After 2% of total lot area for developments with less than 10 units
18.5.2 Site Design Review and 18.3.9 Performance Standards Option and PSO Overlay	8% of total lot area	4% of total lot area for developments with a base density of 10 units or more	4% of total lot area for developments with a base density of 10 units or more <i>yes</i>	After 8% of total lot area is met

Commented [MH1]: Edits to table to address public comments regarding clarity.

B. General Standards.

1. Common and Private Open Space. For developments that are subject to chapter 18.5.2 Site Design Review, the required open space area may be met by combining common and private open spaces meeting the requirements of this section.
2. Density Calculation. All areas set aside for open space shall be counted for base density. The required open space is not subject to bonus point calculations.
3. Utilities. Areas occupied by utility vaults and pedestals shall not be counted in the required open space area.
4. Timing.

- a. *Common Open Space.* Common open space shall be constructed and landscaped prior to submission of the final plat or issuance of a building permit, whichever is later. The City may approve a final plat or building permit prior to completion of required common open space improvements if the applicant provides a bond by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City. Phased developments shall meet the requirements of subsection 18.3.9.040.A.4.
 - b. *Private Open Space.* Private open space shall be constructed and landscaped prior to final occupancy of the respective dwelling unit.
5. Ownership and Maintenance. Common open space shall be set aside as common area for the use of residents of the development. Maintenance of common open space shall be the responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).

C. Common Open Space. ~~Common open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards.-Common open space shall meet the following standards.~~ See definition of common open space in part 18-6.

- 1. Dimensional Standards. Common open space shall have no dimension that is less than 20 feet and a minimum area of 400 square feet, except as described below.
 - a. *Pedestrian Connections.* Walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one common open space is provided that meets the dimensional standards in subsection 18.4.4.070.C.1, above. Pedestrian connections may be located within a required buffer or perimeter yard area. Sidewalks in the public right-of-way (i.e., public street) and walkways providing access to individual units may not be counted towards this requirement.
 - b. *Natural Features.* Common open space may include areas that provide for the preservation or enhancement of natural features that meet the requirements of this section and the definition of common open space. See definition of common open space in part 18-6. Natural features located in common open space shall be counted toward meeting common open space requirements. Natural features may be located within a required buffer or perimeter yard area.
- 2. Location. Common open space shall not be located within a required yard abutting a street, except for pedestrian connections and natural features as provided in subsection 18.4.4.070.C.1, above.
- 3. Slope. Common open space designed for active use, such as lawn and picnic areas, shall be located on slopes less than five percent, except for areas regulated by the Building Code (e.g., walkways). Natural ~~features areas~~ designed for passive use, such as riparian corridors and wetlands, may be located on slopes greater than five percent.
- 4. Improvements. ~~The common open space shall contain one or more of the following: outdoor recreational area or facilities, lawn and picnic areas, community gardens, natural~~

Commented [MH2]: For consistency with subsection D. Private Open Space below. Also, in review of approved subdivisions over last 20 years, common open space exceeded required 5% of total lot area. Standard should be clear that it applies to required common space and does not apply to additional common open space provided by the applicant.

area with benches, seating areas, walking paths, or similar outdoor amenities as appropriate for the intended residents.

- a. *Surfacing.* A minimum of 50 percent of the common open space must be covered in suitable surfaces for human use, such as lawn areas and recreational fields or courts. Up to 50 percent of the common open space may be covered by shrubs, mulch, and other grounds covers that do not provide suitable surfaces for human use if the area is usable for the intended residents, such as community gardens or a natural feature area with benches and walking paths.
 - b. *Structures.* Common open space may include structures and outdoor furniture typically associated with outdoor recreation such as decks, gazebos, arbors, benches, and tables. Structures located in common open space shall be unenclosed and uninhabitable. Unenclosed for the purpose of this subsection means 50 percent or more of the walls are 42 inches in height or less, but the structure may be covered.
 - c. *Fences and Walls.* Fences, walls, hedges, and screen planting that are located on the perimeter of common open space shall not exceed four feet in height, except that fences in front yards and on the perimeter of the development shall meet the fence height requirements of section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development. See section 18.4.4.060 Fencing and Walls for fence permit and design standard requirements.
 - d. *Landscaping.* Common open space shall be landscaped in accordance with section 18.4.4.030 Landscaping and Screening, except for natural features as provided in subsection 18.4.4.070.C.1, above.
5. R-2 and R-3 Zones. In addition to the standards in subsection 18.4.4.070.C, above, common open space in the R-2 and R-3 zones shall meet the following requirements.
- a. *Play Areas.* Play areas for children are required for projects of greater than 20 units that are designed to include families. Play areas are eligible for common open space.
 - b. *Credit for Proximity to a Park.* A credit of up to 50 percent for common open space may be granted when the development is located within one-eighth of a mile walking distance of an existing public park. Distance from the development to the park shall be measured from the lot line via a sidewalk, multi-use path or pedestrian way located in a public right-of-way or public pedestrian easement.

Commented [MH3]: Redundant – repeats definition of common open space and language in surfacing standard

Commented [MH4]: For consistent use of terminology in section and land use code.

Commented [MH5]: The Landscaping and Screening standards are intended for finished and improved areas rather than natural features such as creeks and wetlands.

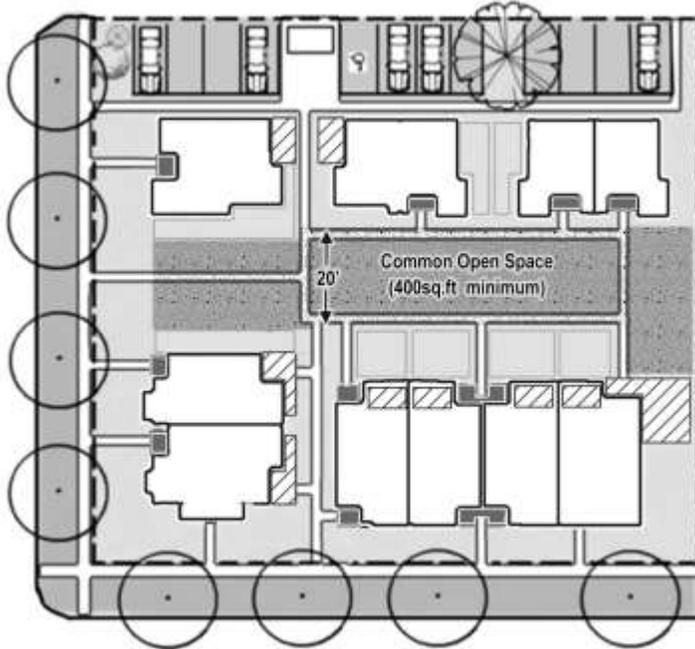


Figure 18.4.4.070.C
Common Open Space

D. Private Open Space. Private open space that is provided to meet the minimum required open space area in 18.4.4.070.A shall meet the following standards. See definition of private open space in part 18-6.

1. Eligible Spaces. Decks, patios, porches, balconies, side and rear yards, and similar areas are eligible for private open space.

a. Access. Private open space shall be directly accessible by a door from the interior of the individual dwelling unit served by the space.

~~b. Walkways and Storage Space. The minimum area required for private open space shall not include area for ingress and egress to a ground floor dwelling unit (e.g., walkway to dwelling unit door) or storage space (storage or bicycle rack). The ingress and egress area shall be measured as 36 inches in width and the length of the pedestrian route.~~

2. Ground-Floor Dwelling Units. Decks, patios, porches, or yards shall be at least six feet

Commented [MH6]: Edit to address public comment.

deep and measuring at least ~~60~~ 48 square feet. Ground-floor private open space shall not be located within 12 feet of recycling and refuse disposal areas. See definition of ground-floor dwelling unit in part 18-6.

Commented [MH7]: Edit to address public comment.

3. Upper-Floor Dwelling Units. Balconies shall be at least six feet deep and measuring at least 48 square feet. See definition of upper-floor dwelling unit in part 18-6.

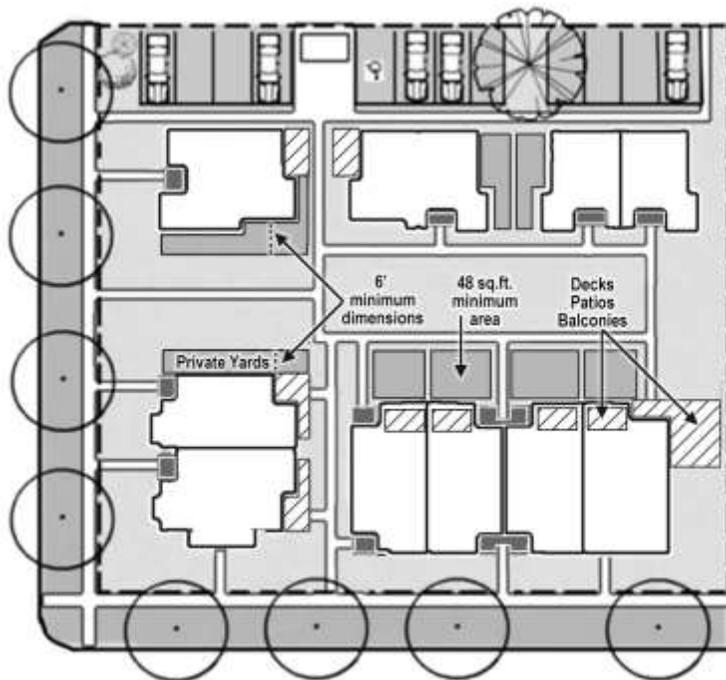


Figure 18.4.4070.D
Private Open Space

18.4.4.060 Fences and Walls

- A. **Permitting.** Permits, granted through Ministerial review, are required prior to installing any permanent fence or wall to ensure compliance with City standards. The property owner should obtain a property boundary survey where property boundaries are not otherwise identified. Where a development is subject to land use approval, the City may require installation of screening walls or fences as a condition of approval for development, as

provided by other ordinance sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.

B. Design Standards. Fences, walls, hedges, and screen planting shall meet the following standards, where height is measured pursuant to subsection 18.4.4.060.B.2, below. See Figure 18.4.4.060.B.1 for illustration of maximum fence heights.

1. Height. Fences, walls, hedges, and screen planting shall not exceed the following heights.
 - a. *Front Yard.* In any required front yard, not more than 3 ½ feet in height.
 - b. *Rear and Side Yard.* In any rear or side yard, not more than 6 ½ feet in height.
 - c. *Street-Side Yard.* In any rear or side yard abutting a public street, except alleys, not more than four feet in height where located within ten feet of said street.
 - d. *Deer Fencing.* See subsection 18.4.4.060.B.6, below.
 - e. *Open Space.* See maximum fence heights for common open space in section 18.4.4.070, and for cottage housing in section 18.2.3.090.

Commented [MH8]: Edit to address public comment.

18.4.4.060.G Standards Illustrated

7. Multi-use Path

Multi-use paths are off-street facilities used primarily for walking and bicycling. These paths can be relatively short connections between neighborhoods, or longer paths adjacent to rivers, creeks, railroad tracks, and open space. See Figure 18.4.6.040.G.7. See maximum fence heights for common open space in section 18.4.4.070, and for cottage housing in section 18.2.3.090.

Commented [MH9]: Edit to address public comment.

Prototypical Section: Multi-Use Path

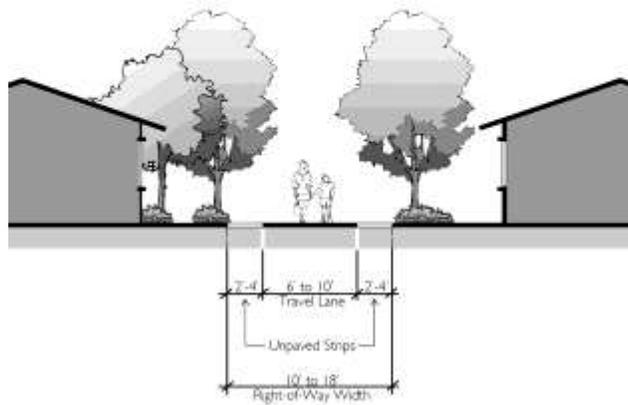


Figure 18.4.6.040.G.7
Multi-Use Path

<i>Street Function</i>	Provide short connections for pedestrians and bicyclists between destinations, and longer paths in situations where a similar route is not provided on the street network.
<i>Connectivity</i>	Enhances route options and shorten distances traveled for pedestrians and bicyclists.
<i>Right-of-Way Width</i>	10 ft – 18 ft
<i>Improvement Width</i>	6 ft – 10 ft paved with 2 ft – 4 ft gravel or planted strips on both sides
<i>Curb and Gutter</i>	not required

accessory residential units, including any required planning action and/or site review.

SECTION 76, 18.68.160, General Regulations, Driveway Grades, of the Ashland Municipal Code, is amended to read as follows:

18.68.160 Driveway Grades.

Grades for new driveways in all zones shall not exceed a grade of 20% for any portion of the driveway. All driveways shall be designed in accord with ~~the criteria of the City of Ashland standards~~ **Public Works Department** and **approved installed** prior to issuance of a certificate of occupancy for new construction. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor. All vision clearance standards associated with driveway entrances onto public streets shall not be subject to the Variance section of this title.

SECTION 77, 18.72, Site Design and Use Standards, of the Ashland Municipal Code, is amended to read as follows:

Chapter 18.72 SITE DESIGN REVIEW AND USE STANDARDS

SECTION 78, 18.72.030, Site Design and Use Standards, Application, of the Ashland Municipal Code, is amended to read as follows:

18.72.030 Applicability

Site design ~~and use~~ standards shall apply to all zones of the city **as outlined below, and shall apply to all development indicated in this Chapter, except for those developments which are regulated by the Subdivisions (18.80), the Partitioning (18.76), Manufactured Housing (18.84) and Performance Standards (18.88).**

A. Applicability. The following development is subject to Site Design Review:

1. Commercial, Industrial, Non-Residential and Mixed uses:

- a. All new structures, additions or expansions in C-1, E-1, HC and M zones.
- b. All new non-residential structures or additions (e.g. public buildings, schools, churches, etc.).
- c. Expansion of impervious surface area in excess of 10% of the area of the site or 1,000 square feet, whichever is less.
- d. Expansion of parking lots, relocation of parking spaces on a site, or other changes which affect circulation.
- e. Any change of occupancy from a less intensive to a more intensive occupancy, as defined in the City building code, or any change in use which requires a greater number of parking spaces.
- f. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined by the zoning regulations of this Code.

g. Any exterior change to a structure which requires a building permit and is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places.

h. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

2. Residential uses:

a. Two or more residential units on a single lot.

b. Construction of attached single-family housing (e.g. town homes, condominiums, row houses, etc.) in all zoning districts.

c. Residential development when off-street parking or landscaping, in conjunction with an approved Performance Standards Subdivision required by ordinance and not located within the boundaries of the individual unit parcel (e.g. shared parking).

d. Any exterior change to a structure which requires a building permit and is individually listed on the National Register of Historic Places.

e. Mechanical equipment not otherwise exempt from site design review per Section 18.72.030(B).

B. Exemptions. The following development is exempt from Site Design Review application and procedure requirements provided that the development complies with applicable standards as set forth by this Chapter.

1. Detached single family dwellings and associated accessory structures and uses.

2. Land divisions regulated by the following chapters: Partitioning (18.76), Subdivisions (18.80), Manufactured Housing (18.84) and Performance Standards (18.88).

3. The following mechanical equipment:

a. Private, non-commercial radio and television antennas not exceeding a height of seventy (70) feet above grade or thirty (30) feet above an existing structure, whichever height is greater and provided no part of such antenna shall be within the yards required by this Title. A building permit shall be required for any antenna mast, or tower over fifty (50) feet above grade or thirty (30) feet above an existing structure when the same is constructed on the roof of the structure.

b. Not more than three (3) parabolic disc antennas, each under one (1) meter in diameter, on any one lot or dwelling unit.

c. Roof-mounted solar collection devices in all zoning districts, with the exception of Employment and Commercial zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in 18.70 and height requirements of the respective zoning district.

d. Installation of mechanical equipment not exempted by (a, b, c) above or (e) below, and which is not visible from a public right-of-way or adjacent residentially zoned property and consistent with other provisions of this Title, including solar access, noise, and setback requirements of Section 18.68.140(c).

e. Routine maintenance and replacement of existing mechanical equipment in all zones.