

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

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

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

- II. **ANNOUNCEMENTS**

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

- IV. **PUBLIC FORUM**

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

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

- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



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

ASHLAND PLANNING DIVISION STAFF REPORT

April 24, 2018

PLANNING ACTION: PA-L-2018-00002

APPLICANT: City of Ashland

ORDINANCE REFERENCES:

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

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

I. Relevant Facts

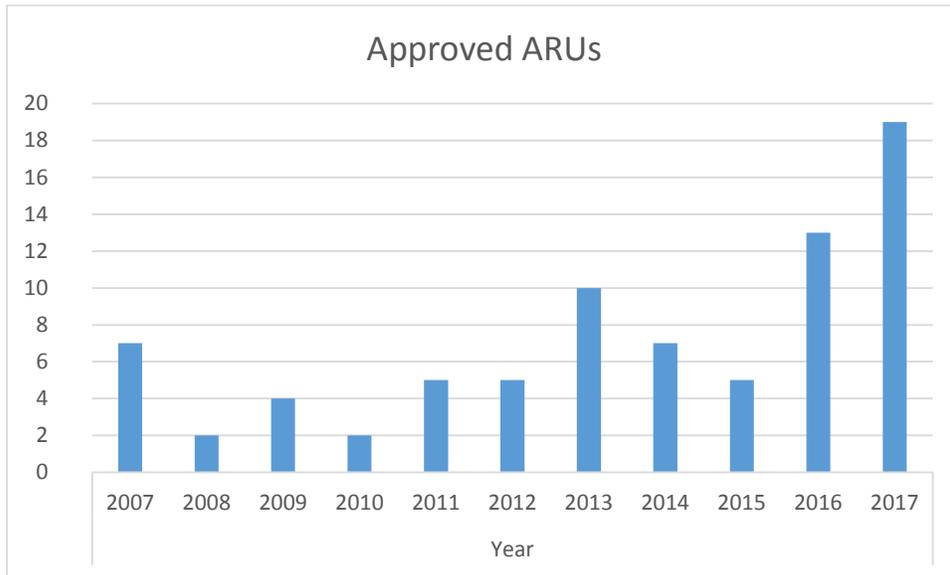
A. Background

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

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

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

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



B. Ordinance Amendments

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

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

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

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

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

Change in Circumstances or Conditions

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

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

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

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

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

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

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

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

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

II. Procedural

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

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

procedure.

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

III. Conclusions and Recommendations

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

City of Ashland

Accessory Residential Unit Revisions

Draft Ordinance Amendments – 4/24/18

Section 18.2.2.030 is amended to read as follows:

18.2.2.030 Allowed Uses

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

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

1. Short-Term Events. The Staff Advisor may approve through Ministerial review short-term temporary uses occurring once in a calendar year and lasting not more than 72 hours including set up and take down. Activities such as races, parades, and festivals that occur on public property (e.g., street right-of-way, parks, sidewalks, or other public grounds) require a Special Event Permit pursuant to AMC 13.03.
 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall not occur more than twice within any 365-day period. Such activity shall not be accompanied by any off-premises advertisement. For the purpose of this ordinance, garage sales meeting the requirements of this subsection shall not be considered a commercial activity.
 3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar structure may be permitted for a period not to exceed 90 calendar days upon the granting of a permit by the Building Official. Such occupancy may only be allowed in conjunction with construction on the site. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with approval of the Staff Advisor.
- I. **Disclaimer.** Property owners are responsible for verifying whether a proposed use or development meets the applicable standards of this ordinance.
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Table 18.2.2.030 – Uses Allowed by Zone

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

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

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

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

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

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

Table 18.2.2.030 – Uses Allowed by Zone

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

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

Commented [MH9]: Duplicative wording

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Table 18.2.2.030 – Uses Allowed by Zone

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

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

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

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Table 18.2.2.030 – Uses Allowed by Zone

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

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

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

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Table 18.2.2.030 – Uses Allowed by Zone

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

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

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

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

Section 18.2.3.040 is amended to read as follows:

18.2.3.040 Accessory Residential Unit

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

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

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

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

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

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

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

square feet GHFA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 18.3.5.050 is amended to read as follows:

18.3.5.050 Allowed Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Community Services.

- a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square feet of gross floor area.
- b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet of gross floor area.

6. Manufacturing, Light.

- a. The light manufacturing use shall occupy 600 square feet or less.
- b. The light manufacturing use shall be contiguous to the permitted retail outlet that operates in conjunction with and sells the manufactured items produced by the light manufacturing use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 18.4.3.040 is amended to read as follows:

18.4.3.040 Parking Ratios

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

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

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

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

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

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

Section 18.4.3.060 is amended to read as follows:

18.4.3.060 Parking Management Strategies

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

Commented [MH27]: To address issue that was raised in Planning Commission review of the planning application at 165 Water St.

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

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

1. A driveway for a single dwelling shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width, except that driveways over 50 feet in length or serve a flag lot shall meet the width and design requirements of section 18.5.3.060. **Accessory residential units are exempt from the requirements of this subsection.**
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width. **Accessory residential units are exempt from the requirements of this subsection.**
3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and multi-family developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large multi-family developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.
6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.

Commented [MH28]: Language added so ARUs will not trigger driveway width upgrades.

8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

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

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.
5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping, and no vehicle shall overhang a public right-of-way.
6. Walls and Hedges
 - a. Where a parking facility is adjacent to a street, a decorative masonry wall or evergreen hedge screen between 30 and 42 inches in height and a minimum of 12 inches in width shall be established parallel to and not nearer than two feet from the right-of-way line, pursuant to the following requirements.
 - i. The area between the wall or hedge and street line shall be landscaped.
 - ii. Screen planting shall be of such size and number to provide the required screening within 12 months of installation.
 - iii. All vegetation shall be adequately maintained by a permanent irrigation system, and said wall or hedge shall be maintained in good condition.
 - iv. Notwithstanding the above standards, the required wall or screening shall be designed to allow access to the site and sidewalk by pedestrians and shall meet the vision clearance area requirements in section 18.2.4.040.
 - b. In all zones, except single-family zones, where a parking facility or driveway is adjacent to a residential or agricultural zone, school yard, or like institution, a sight-

Commented [MH29]: Language added so ARUs will not trigger the paving of driveway and parking spaces.

obscuring fence, wall, or evergreen hedge shall be provided, pursuant to the following requirements.

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

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

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

1. Two or more dwelling units **on a lot in any zoning district, including the addition of an accessory residential unit, on a lot in any zoning district unless exempt from Site Design Review per subsection 18.2.3.040.A.**
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.

Commented [MH30]: Clarifies that new exempt ARUs are not subject to Site Design Review.

6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

C. Exempt From Site Design Review. The following types of uses and projects are exempt from Site Design Review, ~~but are required to comply with the applicable provisions of part 18.4 Site Development and Design Standards.~~

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

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

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

~~43.~~ The following mechanical equipment.

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

Section 18.6.1.030 is amended to read as follows:

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

Commented [MH31]: The definition of "Accessory Use" was inadvertently deleted from the code in 2015.

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

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

Commented [MH32]: To provide clarification that existing floor area in a home can be an ARU.

Parking Area or Lot. Any area inside, under, or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, or structures, except that parking spaces serving a single-family home or accessory residential units are not considered a parking area or lot.

- **Private Parking Area or Lot. A parking area for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.**

- **Public Parking Area or Lot. A parking area available to the public, with or without payment of a fee.**

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

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

Commented [MH33]: Added for two reasons – 1. public park is a use listed in the allowed uses table for the base zone and 2. To clarify that parking in single-family zones for homes and ARUs are not considered a “Parking area or lot.”

Commented [MH34]: Provide cross reference.

Commented [MH35]: To give examples of services.

**GUIDANCE ON IMPLEMENTING
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT
UNDER OREGON SENATE BILL 1051**



*M. Keplinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

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Oregon Department of
Land Conservation
and Development

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017.

Among the provisions of SB 1051 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) *A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) *As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs)¹ starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

¹ The passage of HB 4031 in 2018 limited the siting of ADUs within UGBs.

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement SB 1051 in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

SB 1051 requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____,] and shall conform to all of the following standards:

[A. One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

/

A. Two Units. *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.