

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please fill out a Speaker Request Form and place it in the Speaker Request Box by staff. 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
STUDY SESSION
October 22, 2019
AGENDA**

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

- II. **ANNOUNCEMENTS**

- III. **PUBLIC FORUM**

- IV. **DISCUSSION ITEMS**
 - A. **Draft Amendments to Open Space Standards**
 - 1. Discuss Draft Amendments
 - 2. Initiate Application for Legislative Amendment to Revise Open Space Standards

- V. **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).

Memo

DATE: October 22, 2019

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Draft ordinance amendments to open space standards

Summary

The Planning Commission is being asked to: 1) provide feedback to staff on the attached draft ordinance amendments to the open space standards and 2) to consider initiating an application for a legislative amendment to revise the open space standards.

Background

The Planning Commission discussed amendments to the open space standards at the January 22, 2019, March 26, 2019 and August 27, 2019 study session meetings.

Draft Ordinance Amendments

Staff revised the previous draft amendments to address the Planning Commission's feedback and public comments received at the August 27 meeting. Staff comments are included highlighting the changes made since the August 27 draft and explaining the nature of the change.

Terminology Consistency

In addition to the draft amendments, the Planning Commission discussed the need to provide consistency in AMC Title 18 Land Use (the land use ordinance) in the use of the term "open space." Staff identified and reviewed the entirety of the land use ordinance for the terms "open space," "common" and "recreation." Open space is used most frequently in two ways - as a general term and in reference to common open space. An example from the land use ordinance is included on the following page.

To a much lesser extent, open space is used in the land use ordinance to refer to private open space and is also used as the name of a zone in the North Mountain Neighborhood and Croman Mill District.

The most frequent inconsistency in the land use ordinance is that "common" is often not included to distinguish between the general use of the term and in instances referring to a shared or common open space. One possible option is to add "common" to those open space references that refer to an open space shared by residents of the development, as used in the example on the next page.



18.3.4.040 Use Regulations

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

1. **Plan NN-1-5 zone.** The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed, in addition to the detached single dwelling. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.
2. **Plan NN-1-3.5 zone.** The use regulations and development standards are intended to create, maintain and promote single-dwelling neighborhood character. A variety of housing types are allowed including multiple compact attached and/or detached dwellings. Dwellings may be grouped around **common open space** promoting a scale and character compatible with single family homes. Development standards that are largely the same as those for single dwellings ensure that the overall image and character of the single-dwelling neighborhood is maintained.
3. **Plan NN-1-3.5-C zone.** The use regulations and development standards are intended to provide housing opportunities for individual households through development of multiple compact attached and/or detached dwellings with the added allowance for neighborhood-serving commercial mixed-uses so that many of the activities of daily living can occur within the Normal Neighborhood. The public streets within the vicinity of the NN-1-3.5-C overlay are to provide sufficient on-street parking to accommodate ground floor neighborhood business uses.
4. **Plan NN-2 zone.** The use regulations and development standards are intended to create and maintain a range of housing choices, including multi-family housing within the context of the residential character of the Normal-Neighborhood Plan.

Initiating Application for Legislative Amendment

If the Planning Commission believes the draft amendments to the open space standards should be undertaken, the Commission will need to initiate an application for a legislative amendment to revise the open space standards. This will allow staff to begin the formal public hearing process for a Type III legislative amendment.

The Ashland Municipal Code (AMC) allows the Commission to initiate a Type III legislative action by motion (see code excerpts below).

18.5.1.100 City Council or Planning Commission May Initiate Procedures

The City Council or Planning Commission may initiate any Ministerial, Type I, Type II, or Type III planning action by motion duly adopted by the respective body designating the appropriate City department to complete and file the application.



18.5.1.070 Type III (Legislative Decision)

Type III actions are reviewed by the Planning Commission, which makes a recommendation to City Council. The Council makes final decisions on legislative proposals through enactment of an ordinance.

- A. Initiation of Requests.** The City Council, Planning Commission, or any property owner or resident of the city may initiate an application for a legislative decision under this ordinance. Legislative requests are not subject to the 120-day review period under subsection 18.5.1.090.B (ORS 227.178).



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 18.2.5., 18.3.9, 18.4.2 AND 18.6 OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE OPEN SPACE STANDARDS

Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**. Unchanged text is grey.

SECTION 1. Section 18.4.2.030.H [Residential Development – Open Space] of the Ashland Land Use Ordinance is hereby amended as follows:

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~~ **Open Space. 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.**

a. **Required Area.** An area equal to at least eight percent of the total lot area shall be required as open space. The required open space area may be met by **combining common and private open spaces meeting the requirements of this section. See definition of open space in part 18-6.**

b. **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.**

c. **Ownership and Maintenance.** The required open space area shall be **designated as open space on the application submittals. Maintenance of open space shall be responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).**

d. **Timing.**

i. **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.**

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

Commented [MH1]: This section applies to development with two or more multi-family dwelling units per lot (ARUs are exempted) and attached common wall single-family dwellings (e.g. townhomes, condominiums, row houses). See Site Design Review applicability in 18.5.2.020.B.

Commented [MH2]: Changed from dedicated to required based on feedback from the August 27 Planning Commission meeting.

Commented [MH3]: Inserted based on feedback from the August 27 Planning Commission meeting.

Commented [MH4]: Inserted based on feedback from the August 27 Planning Commission meeting.

Commented [MH5]: Deleted "and permanently set aside for the use of residents of the development" based on feedback from the August 27 Planning Commission meeting.

Commented [MH6]: Timing of installation of common open space was raised in the comments at the August 27 Planning Commission meeting. This language is used for public improvements (i.e., streets and utilities in 18.4.6.030.E and is used for common open space improvements in practice.

Commented [MH7]: New language based on feedback from August 27 Planning Commission meeting.

- e. Performance Standards Option (PSO) Overlay.** Open space that is provided to meet the requirements of this section shall also satisfy the open space requirement of subsection 18.3.9.050.A.3 for developments exercising the Performance Standards option in Chapter 18.3.9.
- 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.
- 2. Common Open Space.** Common open space shall meet the following standards. See definition of common open space in part 18-6.
- a. Required Area.** A minimum of fifty percent of the required open space shall be designated and set aside as common open space in all developments with a base density of ten or more dwelling units.
- b. Dimensional Standards.** Common open space dimensions shall be a minimum of 20 feet and a minimum area of 400 square feet.
- i. Pedestrian Connections.** Pedestrian walkways and multi-use paths shall contribute toward meeting the required common open space when at least one area meeting the minimum area required in subsection 18.4.2.030.H.2.b, above, is provided. Pedestrian walkways providing access to individual units may not be counted towards this requirement.
- c. Location.** Common open space shall not be located within a required buffer or perimeter yard setback area.
- d. 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.
- e. Surfacing.** Areas covered by shrubs, mulch, and other ground covers that do not provide suitable surface for human use may not be counted towards this requirement.
- f. 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 and shall be located and constructed in accordance with section 18.4.4.060. This requirement shall not apply to fences located on properties adjoining but not located within a proposed development.
- g. Play Areas.** Play areas for children are required for projects including 20 or more units that are designed to include families. Play areas are eligible for common open space.
- h. Credit for Proximity to a Park.** A credit of up to 50 percent for common open

Commented [MH8]: Inserted based on feedback from the August 27 Planning Commission meeting.

Commented [MH9]: Deleted "permanently" based on feedback from the August 27 Planning Commission meeting.

Commented [MH10]: Changed for consistency with density standards in 18.2.5.080 and 18.3.9.050.A.

Commented [MH11]: Inserted to clarify that pedestrian and multi-use paths can be counted as common open space after at least one area that is the minimum of 400 square feet is provided.

Commented [MH12]: Added based on feedback from August 27 Planning Commission meeting.

Commented [MH13]: Deleted previous draft language that prohibited open space on collector and higher order streets based on public comments and feedback from August 27 Planning Commission meeting.

Commented [MH14]: Language regarding natural areas clarified based on feedback from August 27 Planning Commission meeting.

Commented [MH15]: Deleted "bark" based on feedback from the August 27 Planning Commission meeting.

Commented [MH16]: Issue raised in public comments and feedback from August 27 Planning Commission meeting.

space may be granted when the development is located within one-quarter mile walking distance of an existing public park.

i. **Natural Areas.** Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, large trees, and rock outcroppings.

3. **Private Open Space.** Private open space shall meet the following standards. See definition of private open space in part 18-6.

a. **Eligible Spaces.** Decks, patios, porches, yards, and similar areas are eligible for private open space.

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

ii. **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.

b. **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.

c. **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.

Commented [MH17]: Added to clarify that credit does not apply to areas designated for future parks based on feedback from August 27 Planning Commission meeting.

Commented [MH18]: Added for consistency with new language in 18.3.9.050.A.3.a.iii.

Commented [MH19]: Added based on feedback from August 27 Planning commission meeting.

Commented [MH20]: Added based on feedback from August 27 Planning commission meeting.

Commented [MH21]: Moved definition to definition chapter based on feedback from August 27 Planning Commission meeting.

Commented [MH22]: Increased from four to six feet based on public comments and feedback from August 27 Planning Commission meeting.

Commented [MH23]: Added based on feedback from August 27 Planning Commission meeting.

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

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

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

B. Density Calculation.

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

standards.

C. Minimum Density.

1. The minimum density shall be 80 percent of the calculated base density.
2. Exceptions to minimum density standards. The following lots are totally or partially exempt from minimum density standards.
 - 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 January 9, 2005 (Ord. 2914), the single-family residence may be enlarged or reconstructed without being subject to the minimum base density standard.
 - e. In the event that a fire or natural hazard destroys a single-family residence, such residence may be replaced without being subject to the minimum base density standard.
 - f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes exist upon the lot an exception to minimum density requirements may be obtained to better meet the standards of chapter 18.3.10 Physical and Environmental Constraints.
 - g. A lot that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the lot which bring the lot closer to conformance without coming all the way into conformance provided it is demonstrated that the minimum density will not be precluded.

D. Base Densities and Minimum Lot Dimensions.

1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
 - a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.
 - b. Minimum lot area for two units shall be 7,000 square feet.
 - c. Minimum lot area for three units shall be 9,000 square feet, except that the residential density bonus in subsection 18.2.5.080.F, below, may be used to increase density of lots greater than 8,000 square feet up to three units.
 - d. For more than three units, the base density shall be 13.5 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.
2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:

- a. Minimum lot area for one unit shall be 5,000 square feet, except as allowed in section 18.2.3.040 for accessory residential units.
- b. Minimum lot area for two units shall be 6,500 square feet.
- 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 is 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, the permitted base density shall be increased only pursuant to this section.
- 2. Maximum Density Bonus Points. The total maximum bonus permitted shall be 60 percent.
- 3. Density Bonus Point Criteria. The following bonuses shall be awarded:
 - a. *Conservation Housing.* The maximum bonus for conservation housing is 15 percent. One hundred percent of the homes or residential units approved for development, after **density** bonus point calculations, shall meet the minimum requirements for certification as an Earth Advantage home, as approved by the Conservation Division under the City' s Earth Advantage program as adopted by resolution 2006-6.
 - b. **Common Open Outdoor Recreation Space.** The maximum bonus for provision of **common open outdoor recreation** space above **the** minimum requirement established by this ordinance is ten percent. **A one percent bonus shall be awarded for each one percent of the total project area in common open space in excess of the base requirement.** The purpose of the density bonus for **common open outdoor recreational** space is to permit areas, **which could otherwise be developed or sold as individual lots, that could otherwise to** be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. **One percent increased density bonus for each percent of the project dedicated to outdoor recreation space beyond the minimum requirement of this ordinance.**
 - c. *Major Recreational Facilities.* The maximum bonus for provision of major recreational facilities is ten percent. Density bonus points shall be awarded for the provision of major recreational facilities, **such as tennis courts, swimming pools, playgrounds, or similar facilities. See definition of major recreational facilities in part 18.6.** For each **one** percent of the total project cost devoted to **major** recreational facilities, a six percent density bonus shall be awarded **up** to a maximum of ten percent **bonus. A detailed cost estimate for the total project and proposed recreational facility shall be submitted with the request for a density**

bonus for major recreational facilities. Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. ~~A qualified architect or engineer using current costs of recreational facilities shall estimate the cost of the recreational facility for City review and approval. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.~~

i. Major recreational facilities may be located in the minimum area required for common open space in subsection 18.3.9.050.A.3, above.

- d. *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.

Commented [MH24]: Amendments made for consistency with changes to 18.3.9.050.B.

SECTION 3. Section 18.3.9.050 [Performance Standards Option and PSO Overlay – Performance Standards for Residential Developments] 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 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.

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

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

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

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 with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in Open Space; that area is not subject to bonus point calculations, however, density bonuses shall be awarded to open space in excess of the five percent required by this subsection.~~
- a. **Required Area.** All developments with a base density of ten units or greater shall be required to provide a minimum of five percent of the total lot area in common open space, except as required in 18.3.9.A.3.a.i, below.
- i. **Multifamily and Attached Single-Family Housing.** Housing developments subject to Site Design Review in accordance with subsection 18.5.2.020.B shall provide a minimum of eight percent of total lot area in open space in accordance with and meeting the standards in subsection 18.4.2.030.H Open Space.
- ii. All areas set aside for common open space shall be counted for base density. The required common open space is not subject to bonus point calculations.
- iii. **Natural Areas.** Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, large trees, and rock outcroppings.
- iv. **Ownership and Maintenance.** The common open space shall be designated on the Outline and Final Plan submittals and set aside as common area for the use of residents of the development. Maintenance of open space shall be responsibility of the property owner(s) or by an association of owners (i.e., homeowners association).
- v. **Timing and Phasing.** Common open space shall be constructed and

Commented [MH25]: Deleted "permanently" based on feedback from August 27 Planning Commission meeting.

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.

Commented [MH26]: Updated language for consistency with draft language in 18.4.2.030.H.1.d.i on page 1.

b. 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 outlined below.

i. Pedestrian Connections. Pedestrian walkways and multi-use paths shall contribute toward meeting the required common open space area when at least one area meeting the minimum area required in subsection 18.3.9.050.A.3.b, above, is met. Pedestrian walkways providing access to individual units may not be counted towards this requirement.

Commented [MH27]: Updated for consistency with 18.4.2.030.H.2.b.i on page 2.

ii. Natural Features. Natural features located in common open space and meeting the Outline Plan approval criteria in 18.3.9.040.3 shall be counted toward meeting common open space requirements.

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 the **common** open space on a day-to-day basis. The purpose of the density bonus for common open space is to permit areas, which could otherwise be developed or sold as individual lots, to be retained in their natural state or to be developed as a recreational amenity. It is not the purpose of this provision to permit density bonuses for incidental open spaces that have no realistic use by project residents on a day-to-day basis. ~~Open space provided in cottage housing~~

~~developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.~~

- b. *Standard.* Developments with fewer than ten units that provide more than two percent of the project area for common open space, or for developments of ten units or greater that provide more than five percent **common** open space, a one percent bonus shall be awarded for each one percent of the total project area in common open space **in excess of the base requirement, except as specified below.**

Commented [MH28]: Added based on feedback from the August 27 Planning Commission meeting.

- i. **Cottage Housing. Common open space provided in cottage housing developments, meeting the standards of section 18.2.3.090 Cottage Housing, is not eligible for density bonus points.**

- ii. **Multifamily and Attached Single-Family Housing. Housing developments subject to Site Design Review in accordance with subsection 18.5.2.020.B shall receive density bonus points under this section for common open space area in excess of the required eight percent of total lot area in accordance with the standards in subsection 18.4.2.030.H Open Space.**

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

- a. *Purpose.* **Density bonus points may shall** be awarded for the provision of major recreational facilities **such as tennis courts, swimming pools, playgrounds, or similar facilities. See definition of major recreational facilities in part 18.6.**

Commented [MH29]: New language added based on comments from August 27 Planning Commission meeting.

- b. *Standard.* For each percent of total project cost devoted to **major** recreational facilities, a six percent density bonus **may shall** be awarded up to a maximum of ten percent bonus. **A detailed cost estimate for the total project and proposed recreational facility shall be submitted with the request for a density bonus for major recreational facilities.**

Commented [MH30]: New language added based on comments from the August 27 Planning Commission meeting.

Total project cost shall be defined as the estimated sale price or value of each residential unit times the total number of units in the project. Estimated value shall include the total market value for the structure and land. A qualified architect or engineer shall prepare the cost of the recreational facility using current costs of recreational facilities.

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

- c. **Major recreational facilities may be located in the minimum area required for common open space in subsection 18.3.9.050.A.3, above.**

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

SECTION 4. Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

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

Commented [MH31]: This definition was inadvertently deleted in the 2015 update.

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

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

Commented [MH32]: Moved from code language based on public comments and feedback from August 27 Planning Commission meeting. Method of measurement added based on public comment.

Major Recreational Facilities. Those recreational facilities typically associated with a developed public park such as community gardens; gathering spaces such as gazebos, picnic and barbecue areas; play structures; and recreational facilities such as sport courts and swimming pools.

Open Space. ~~A common area designated on the final plans of the development, permanently set aside for the common use of the residents of the development. Open space area is landscaped and/or left with a natural vegetation cover, and does not include thoroughfares, parking areas, or improvements other than recreational facilities. Land or water with its surface predominately open to the sky or predominantly undeveloped, that is designated or set aside for public or private use specifically for the purpose of providing places for recreation, conservation of natural resources, or collection and treatment of storm water.~~ Open space does not include thoroughfares, parking areas or improvements other than recreational facilities common areas such as streets, driveways, parking, loading areas, recycling and refuse disposal areas, and storage structures.

Commented [MH33]: Revised based on feedback from August 27 Planning Commission meeting.

- **Open Space, Common.** An area for the use or enjoyment of all residents of a development (e.g., multifamily dwelling units) or subdivision. Common open space may include areas that provide for the preservation or enhancement of natural features such as wetlands, floodplain corridors, ponds, large trees, and rock outcroppings.
- **Open Space, Private.** An area intended for private outdoor use by residents of an individual dwelling unit. Private open space includes decks, patios, porches, yards, and similar areas.

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

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

Commented [MH34]: Moved from code language based on public comments and feedback from August 27 Planning Commission meeting. Method of measurement added based on public comment.

Unbuildable Area. All areas outside of building envelopes and within open space. That portion of an existing or proposed lot that building upon is restricted by regulations. Unbuildable area includes but is not limited to required yards, easements, and Flood Plain Corridor and Severe Constraints Lands as classified in section 18.3.10.060.

Commented [MH35]: This definition was inadvertently deleted in the 2015 update.

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

- **Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
- **Yard, Side.** An ~~open space~~ **yard** between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building.
- **Yard, Rear.** A yard between side lot lines and measured horizontally at right angles to the rear yard line from the rear yard line to the nearest point of the building.

SECTION 5. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinances(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 1-14) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2019, and duly PASSED and ADOPTED this ____ day of _____, 2019.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2019.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney