

**ASHLAND PLANNING COMMISSION  
SPECIAL MEETING  
February 23, 2021  
AGENDA**

I. **CALL TO ORDER:** 7:00 PM

II. **ANNOUNCEMENTS**

III. **PUBLIC FORUM**

IV. **TYPE II PUBLIC HEARINGS**

A. **PLANNING ACTION: PA-T2-2020-00025**

**SUBJECT PROPERTY:** Tax Lot #600 on the newly constructed Independent Way  
**APPLICANT/OWNER:** Rogue Planning & Development Services/IPCO Development Corporation.

**DESCRIPTION:** A request for Site Design Review approval for the construction of two new commercial/industrial buildings on Tax Lot #600 adjacent to Independent Way, the newly installed public street between Washington Street and Tolman Creek Road. Both buildings would be part of the IPCO Development Corporation service building complex, and would share driveway accesses, parking areas and landscaped areas. The first building is proposed to be 10,919 square feet and would be constructed adjacent to Independent Way. The second proposed building would be 17,859 square feet and would be near the south property line. The application includes a request for an Exception to the Site Development and Design Standards (AMC 18.4.2.040.B.3.a) which call for a ten-foot wide landscape buffer between the building and the street. **COMPREHENSIVE PLAN DESIGNATION:** Employment; **ZONING:** E-1; **ASSESSOR'S MAP #:** 391E14BA; **TAX LOT:** 600. ***NOTE:** The Public Hearing & Record have been closed for this item. Tonight's meeting will be limited to Planning Commission deliberation and decision.*

V. **DISCUSSION ITEMS:**

A. Draft Duplex Code Amendments to Address State of Oregon Middle Housing Requirements.

VI. **ADJOURNMENT**

**CITY OF  
ASHLAND**



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

**TYPE II  
PUBLIC HEARING**

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**PA-T2-2020-00025  
Independent Way**

*\*Public Hearing and Record are closed\*  
Tonight's meeting will be limited to Deliberations and Decision.*

# Memo

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**DATE:** February 16, 2021  
**TO:** Planning Commission  
**FROM:** Derek Severson, *Senior Planner*  
**RE:** Open Record Information from Staff for PA-T2-2020-00025  
 Tax Lot #600, Independent Way

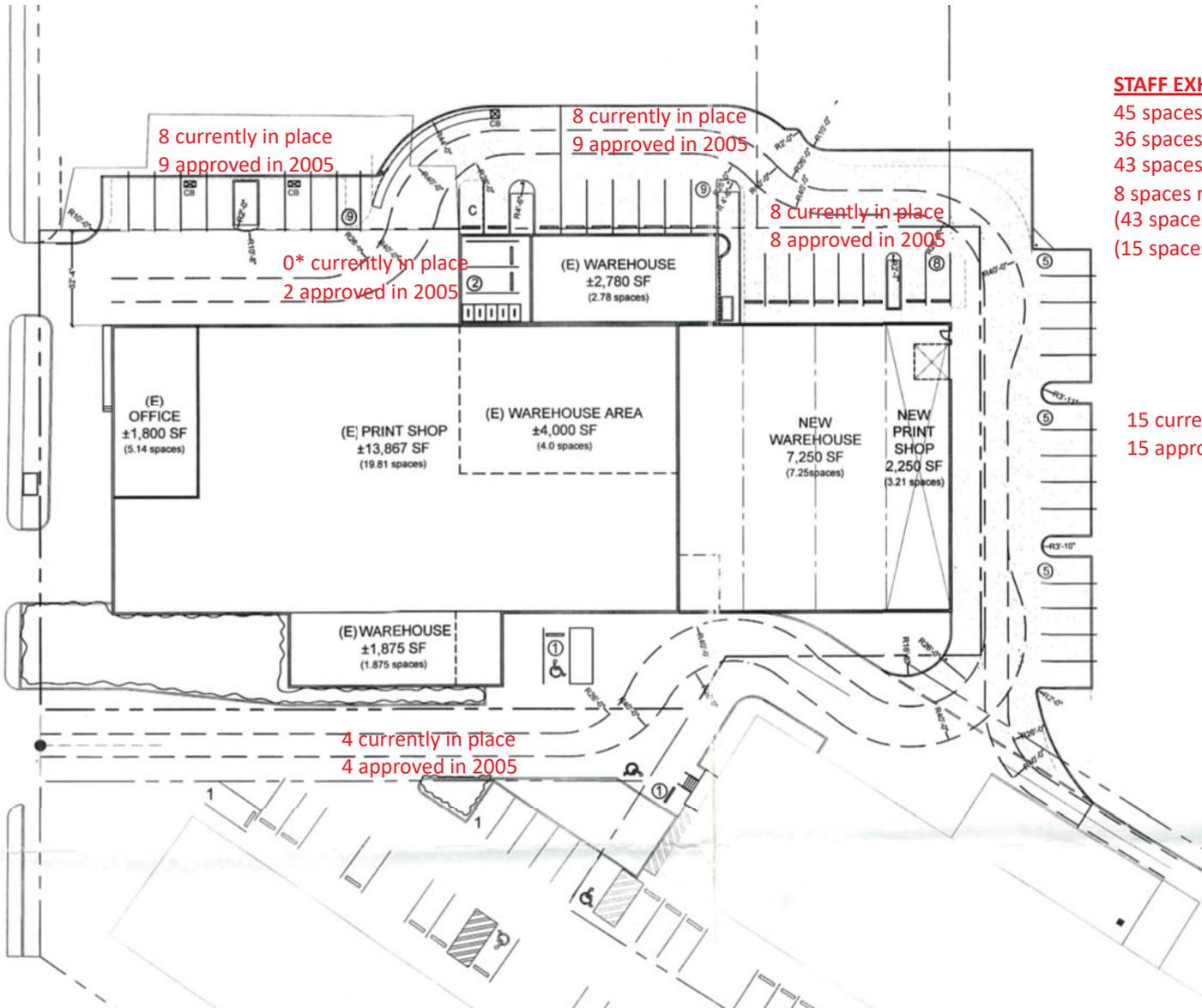
During the February 9, 2021 hearing for PA-T2-2020-00025, Planning Commissioner discussion raised the question of whether eight parking spaces identified on the west side of the westernmost driveway to serve the Independent Printing Company (IPCO) on the adjacent property to the west were in fact necessary, or if they could be removed from the mix to allow modifications to the site plan to change building placement and allow the applicant to provide the required landscape buffer behind the sidewalk.

In reviewing planning files, Planning Action #2005-01496 was approved in November of 2005 to allow a 9,500 square foot warehouse/print shop addition. The record for that action notes that 45 spaces were proposed to be provided to satisfy the off-street parking requirements. As approved in 2005, 15 of the proposed parking spaces were on the west side of the driveway in question. Parking ratios for office, warehouse and industrial have all changed in the interim, and considering the building area approved in 2005 in light of the current parking ratios, 36 parking spaces are required based on current ratios.

SPACE PER PA #2005-01496	SQ FT	CURRENT RATIO (2021)	APPLICANTS CALCULATED (2005)	STAFF CALCULATED (2021)
Office Space (E)	1800	500	5.14	3.6
Print Shop (E)	13867	1000	19.81	13.87
Warehouse 1 (E)	4000	1000	4	4
Warehouse 2 (E)	1875	1000	1.875	1.875
Warehouse 3 (E)	2780	1000	2.78	2.78
<b>NEW</b> Warehouse	7250	1000	7.25	7.25
<b>NEW</b> Print Shop	2250	1000	3.21	2.25
<b>TOTAL REQ'D PARKING</b>	<b>33822 sq. ft.</b>		<b>44.065 spaces</b>	<b>35.625 spaces</b>

In visiting the site, there are 43 spaces in place where only 36 are required under current parking ratios. With seven extra spaces currently in place, eight of the 15 spaces in place along the west side of the driveway are necessary to address the current parking requirement for the IPCO building. This is consistent with the application materials which identify eight of the 15 spaces along the driveway as being necessary to meet the parking demand for IPCO.

**Attachment:** Staff Exhibit “IPCO Building Parking Requirements”



**STAFF EXHIBIT: IPCO Building Parking**

45 spaces required as approved in 2005  
 36 spaces required under 2021 parking ratios  
 43 spaces currently in place  
 8 spaces required to be retained west of driveway  
 (43 spaces in place - 36 spaces required = 7 extra)  
 (15 spaces along driveway - 7 extra = **8 required**)

15 currently in place  
 15 approved in 2005

**PA-T2-2020-00025**  
**Independent Way**

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**INFORMATION SUBMITTED  
INTO THE RECORD BY  
APPLICANT**

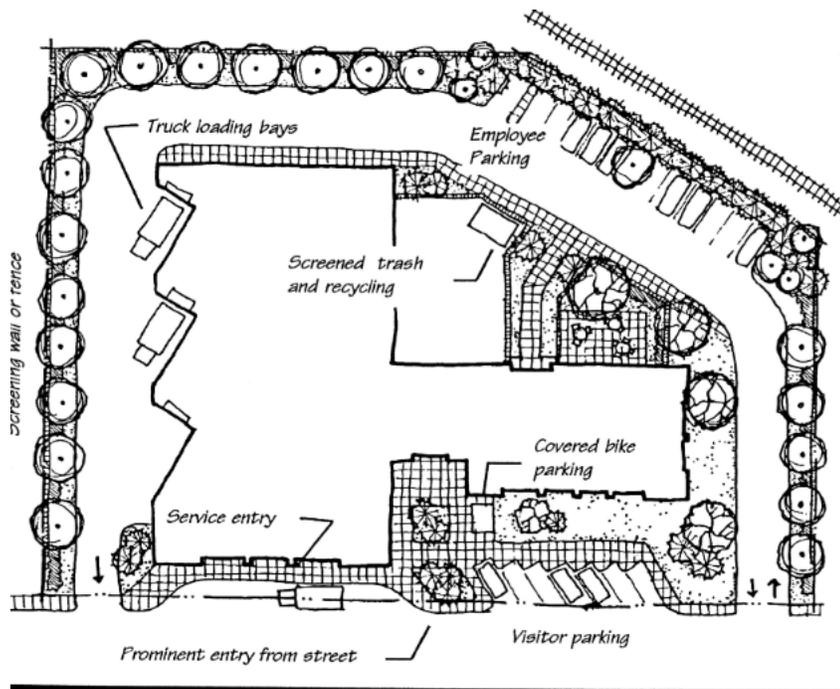
***Exception to the Site Design Standards:***

*AMC 18.5.2.050.E. 2. There is no demonstrable difficulty in meeting the specific requirements, but granting the exception will result in a design that equally or better achieves the stated purpose of the Site Development and Design Standards;*

According to the purpose and intent of the Site Design Standards, strict adherence to the standards in areas that are visible from highly traveled arterial streets and that are in the Historic District are held to a higher development standard than projects that are in manufacturing and industrial areas.

The proposal seeks to reduce the landscape buffer between the building and sidewalk from ten feet to three feet. This is due to the city's negotiations with the property owners and their understanding of the ten-foot buffer required between the building and the street, additionally, the reduced landscape buffer along the façade of the building equally achieves the stated purpose which is to promote high quality, commercial frontage. The proposal achieves a ten-foot buffer incorporating the area behind the curb, between the building and the street. There is a seven-foot parkrow and three additional feet of landscape area.

The graphic below from the Ashland municipal code showing a conceptual, basic site reviewed, employment zoned site (evidenced by RR tracks), there is no landscape buffer between the building and the street and truck traffic loading is shown as the prominent use of the site, like the subject property.



Specific to building orientation and design, the proposed structure without a 10-foot landscape buffer, but with a three-foot buffer (materials presented at February 9, 2021 Planning Commission Hearing), allows for the continued development of a business environment that is safe and comfortable. The layout allows for parking at the rear of the proposed buildings, and wide drive aisles that allow for fire apparatus access and two-way vehicle travel. Along the street, the proposed layout allows for natural surveillance of public spaces, or “eyes on the street”. The reduced landscape area decreases potable water consumption on landscape irrigation to support resource conservation.

The proposed development provides a large scale, employment zoned, commercial warehousing space that continues an existing development pattern and fosters a safe and comfortable business environment. The reduced landscape buffer between the building and the sidewalk will not detract from the ability of citizens to walk or cycle to the businesses. The reduced landscape buffer width does not diminish that the proposed building and site layout is a high-quality development of in demand warehouse spaces.

Though a three-foot landscape buffer is not a wide area, there is adequate width for vegetation. The landscape area is on the north side of the structure and will be shaded from the most intense heat of the day. As with all of the landscape areas on the IPCO Development Corporation owned properties the landscaping will be maintained in a good, weed free, irrigated condition to promote plant growth.

#### Parking and Easement Discussion:

There are eight spaces on the site plan in the parking area to the east of TL 600 that are for IPCO Service Building #1. There are numerous cross access easements and shared parking agreements on the properties owned in common by the IPCO Development Corporation. When Independent Way was dedicated, tax lots owned by the IPCO Development Corp were split by the right-of-way. There are large private and public utilities on the properties as well that have cross easement for access and use.

Following the development of proposed structures, property line adjustments will be made to adjust property lines and all easements, including but not limited to parking, access, maintenance, and utility, will be addressed and recorded with the revised legal descriptions.

February 15, 2021  
City of Ashland Planning Commission  
20 East Main Street  
Ashland, OR 97520

Dear Commissioners:

The property owners have been the owners of the IPCO properties since 1967 with a long established, large acre Employment zoned property. Over the years the Brombacher's vision of the property as a service center for high-quality, business tenant locations with excellent freeway access and site access for trucks.

In 2012 when the city of Ashland approached the property owners to purchase the land area for Independent Way, of the negotiations were for not only the purchase of the future right-of-way but the riparian buffer area enhancement requirements. It was in those negotiations that the landscape area credits were determined because the roadway improvements proposed by the city kept getting wider and wider.

Though today, the city does not stand behind those negotiations, the property owners want the record to be clear the property owners were led to believe the city was negotiating in good faith and that the city would work with the property owners towards the creation of a master plan, and on the future site development. The Brombacher's do not believe that has been the case and, now that Independent Way is installed, the city is unwilling to grant an exception to the landscape buffer.

The proposed non-residential structures along a public street that offers no on-street parking thus limiting customer traffic from public sidewalk will provide a positive contribution to the streetscape while completing a multi-generational, multi-decade of development and establishment of a commercial / employment center development.

The landscape buffer primary function is to improve the project's appearance, enhance the City's streetscape, lessen the visual and climatic impact of parking areas, and to screen adjacent residential uses from the adverse impacts which commercial uses may cause. There are no residential uses in the area and the development of the site with a three-foot buffer vs. a ten-foot buffer causes no undue harm and that even with a reduced buffer, the proposal results in a high-quality development that makes a positive contribution to the streetscape.

On behalf of the Brombacher Family,

  
Amy Gunter

CC. Trina Sanford  
Kurt Brombacher  
Zach Brombacher

# **DISCUSSION ITEM**

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## **Draft Duplex Code Amendments to Address State of Oregon Middle Housing Requirements**

# Memo

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DATE: February 23, 2021  
TO: Ashland Planning Commission  
FROM: Maria Harris, Planning Manager  
RE: Draft duplex code amendments

## **Summary**

This is discussion item for the Planning Commission to review the draft duplex code amendments to address the State of Oregon Middle Housing Requirements from House Bill (HB) 2001.

## **Background**

In the 2019 legislative session, the Oregon State Legislature passed HB 2001 which requires “medium” cities such as Ashland to amend codes to allow duplexes on residentially zoned lots that allow the development of detached single-family homes. HB 2001 requires medium cities to develop and adopt standards in compliance with the state requirements by June 30, 2021.

HB 2001 allows cities to regulate the siting and design of duplexes as long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. The administrative rules, OAR Chapter 60 Division 46 Middle Housing, implement HB 2001 and clarify that siting and design standards that create unreasonable cost and delay include any standards applied to duplex development that are more restrictive than those that are applied to detached single-family dwellings in the same zone.

More information about the state law and administrative rules that apply to cities such as Ashland is included in the [October 13, 2020](#) and [December 22, 2020](#) Planning Commission packets.

The new state law and administrative rules prescribe the approval process and siting and design standards for the duplexes. Duplexes must be allowed as a permitted use on residentially zoned lots where detached single-family dwellings are permitted. In summary, the approval process and standards used for duplexes, such as historic district review and dimensional requirements (i.e., minimum lot size, density, height, setback and lot coverage), must be the same as applied to the construction of a detached single-family home.

In Ashland, single-family homes are a permitted use and in most cases simply require a building permit. The exceptions are planning approvals required for exceeding the maximum permitted house size (MPFA) in the historic districts, exceptions for the solar setback, variances to dimensional, parking and access requirements, tree removal permits, and permits for construction in natural hazard and resource areas such as hillside lands (25 percent slope and greater), floodplains, riparian areas and wetlands.

The dimensional requirements such as lot coverage, height and setbacks are determined by the zoning of a property and are the same for one unit or two units. As a result, whether a property owner elects to build a single-family home, a single-family home and a detached second unit, or two attached units, the building or buildings can cover the same amount of the lot that is allowed by the zone (i.e., lot coverage), have to be the same height, must meet standard setbacks and the solar setback, and are allowed the same volume of building.

### **Draft Duplex Code Amendments**

The attached draft duplex code amendments are based on the Planning Commission discussion and staff recommendation from the December 22, 2020 study session meeting. This includes defining a duplex as two units on a lot in any configuration (i.e., attached or detached) and keeping the design standards for single-family dwelling in Ashland Municipal Code (AMC) 18.2.5.090 in the current form.

The main changes in the draft duplex code amendments are: 1) a second unit is permitted on any residentially zoned lot where a detached single-family residence is allowed, 2) two units on one lot in any configuration is defined as a duplex and 3) the accessory residential unit (ARU) as a dwelling type becomes a duplex unit.

The revised definition of duplex in the draft code amendments is from the state model code and is “**two units on one lot in any configuration including either in attached or detached structures.**” Cities have the option under state law of defining a duplex as two attached dwelling units on one lot, or as two units on a lot in any configuration (i.e., attached and detached).

Accessory residential units (ARUs) are deleted as a use in the draft duplex code amendments because duplexes replace ARUs by providing the option to do a second unit in any configuration on residentially zoned lots. Currently, accessory residential units (ARUs) are permitted as second units in most of the residential zones as special permitted uses with square footage limitations and in some cases, planning approval process requirements. The draft duplex code amendments delete ARUs as a permitted use, the special use standards for ARUs including square footage limitations, and the planning approval process requirements. In addition, language is added specifying that previously approved ARUs are considered duplex units from the date of the adopted ordinance forward and therefore, previously approved ARUs are subject to the duplex requirements.

The primary changes in the draft duplex code amendments include the following sections in the attached ordinance.

- **Section 2: AMC 18.2.2.030 Allowed Uses** – Duplexes become permitted with special use standards in 18.2.3.110 in all of the residential zones. Accessory residential units (ARUs) are deleted as a use because duplexes replace ARUs by providing the option to do a second unit in any configuration on residentially zoned lots.
- **Section 3: AMC 18.2.2.040 Accessory Residential Unit** – Standards for ARUs are deleted. In addition, language is added which specifies that ARUs approved prior to adoption of the duplex code amendments are now considered duplex units and therefore subject to the requirements/allowances for duplexes.



- **Section 4: AMC 18.2.3.090 Cottage Housing** – Clarification added that allows duplexes in cottage housing development if the development is at or below the maximum cottage housing density established in the section.
- **Section 5: AMC 18.2.3.110 Duplex** – The duplex standards are revised to address the requirements in state law.
- **Section 6: AMC 18.2.5.080 Residential Density Calculation in R-2 and R-3 Zones** – Clarification added that duplex can be developed on any size R-2 and R-3 lot. Also, the lot size standards adjusted for two and three units – see notes in attached draft duplex code amendments.
- **Section 7: AMC 18. 18.2.5.090 Standards for Single-family Dwellings and Duplexes** – Duplexes added to meet the existing standards.
- **Section 8: AMC 18.4.3.040 Parking Ratios** – Duplex parking standard of two spaces is added to the table. State law specifies that the maximum parking that can be required for a duplex is two spaces. Also, the ARU parking standard is deleted.
- **Section 9: AMC 18.5.2.020 Applicability** – The thresholds for Site Design Review for residential development are amended for three or more dwelling units. Duplexes cannot be required to have Site Design Review because detached single-family homes are not required to have Site Design Review – state law specifies that any standards applied to duplex development cannot be more restrictive than those that are applied to detached single-family dwellings in the same zone. Also, duplexes are added to the list of development that are exempt from Site Design Review.
- **Section 10: AMC 18.6.1.030 Definitions** – The definition of duplex is revised to two units on one lot in any configuration. The ARU definition cross references duplex status and requirements. A definition of cottage is added to the different type of dwellings.

The draft duplex code amendments document for the next Planning Commission study session will be significantly longer than the attached draft because the subsequent draft will include a variety of edits to standards and terminology for consistency with the new duplex provisions.

**Lands for Residential Use**

A clarification was requested at the December 22, 2020 Planning Commission study session regarding whether land zoned for residential use is defined in the state law and whether the provisions for duplexes are required in commercial and employment lands that allow residential units as part of mixed-use development.

The applicable ORS and OAR specify that the duplex requirements do not apply to land that is not zoned for residential use and is primarily for commercial industrial, agriculture or public uses. The ORS also defines “zoned for residential use.” See the ORS and OAR excerpts below.

**ORS 197.758 Development of middle housing; local regulations.**

- (4) This section does not apply to:
- (a) Cities with a population of 1,000 or fewer;
  - (b) Lands not within an urban growth boundary;
  - (c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;
  - (d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or



(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land’s potential for planned urban development.

**OAR 660-046-0010 Applicability**

2) Notwithstanding section (1), a local government need not comply with this division for:

(a) Lands that are not zoned for residential use, including but not limited to lands zoned primarily for commercial, industrial, agricultural, or public uses;

(b) Residentially zoned lands that do not allow for the development of a detached single-family home; or

(c) Lands that are not incorporated and that are zoned under an interim zoning designation that maintains the land’s potential for planned urban development.

**OAR 660-046-0020 Definitions**

(9) “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

**Next Steps**

The tentative schedule includes: 1) a roundtable meeting with the development community to review the draft amendments in March 2021, 2) advisory commission meetings in March and April 2021, 3) a review of a final draft of the duplex code amendments at the April 27, 2021 Planning Commission study session, and 3) a public hearing and recommendation at the Planning Commission in May 2021.

HB 2001 requires medium cities such as Ashland to develop and adopt standards in compliance with the state requirements by June 30, 2021. The duplex code amendments are scheduled for a public hearing and first reading at the City Council on June 1, 2021 and second reading on June 14, 2021.



**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTERS ### OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE ALLOWANCES AND REQUIREMENTS FOR DUPLEXES**

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

**WHEREAS**, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

**WHEREAS**, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

**WHEREAS**, the City of Ashland Planning Commission considered the above-referenced recommended amendments to the Ashland Land Use Ordinance at a duly advertised public hearings on (date), and following deliberations, recommended approval of the amendments by a vote of (#-#); and

**WHEREAS**, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on (date); and

**WHEREAS**, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

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

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

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

**SECTION 2.** Section 18.2.2.030 [Allowed Uses – Base Zones and Allowed Uses] of the Ashland Land Use Ordinance is hereby 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.
- 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.
- 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:
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.

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>A. Agricultural Uses<sup>1</sup></b>										
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>B. Residential Uses</b>										
<del>Single-Family</del> <u>Single-family</u> 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 <b>for dwellings in</b> 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
<del>Accessory Residential Unit</del>	<del>P</del> <u>or S</u>	<del>P</del> <u>or S</u>	<del>S</del>	<del>S</del>	<del>P</del> <u>or S</u>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2</del>
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
Duplex <del>Dwelling</del>	S	<del>P</del> <u>S</u>	<del>P</del> <u>S</u>	<del>P</del> <u>S</u>	<del>N</del> <u>S</u>	<del>N</del> <u>S</u>	S	S	N	Sec. 18.2.3.110 Duplex <del>Dwelling</del>  <b><u>Sec. 18.2.3.130 for dwellings in C-1 zone and E-1 zone</u></b>  <b><u>Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070</u></b>

<sup>1</sup> 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
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
<b>B. Residential Uses<sup>2</sup></b> <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 in Transit Triangle (TT) overlay, see chapter 18.3.14 Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
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
<b>C. Group Living</b>										
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	
<b>D. Public and Institutional Uses</b>										
Airport										See chapter 18.3.7 Airport Overlay
Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from

<sup>2</sup> 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
										planning application procedure pursuant to ORS 329A.440, see part 18.6 for definition  Subject to State licensing requirements
<b>D. Public and Institutional Uses</b> <i>(continued)</i> <sup>3</sup>										
Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
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	
Park, Open Space, and Recreational Facility, including playgrounds, trails, nature preserves, athletic fields, courts, swim pools, and similar uses	P	P	P	P	P	P	N	N	N	
Public Parking Facility	N	N	N	N	N	N	P	N	N	
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 electrical substations	CU	CU	N	N	CU	CU	P	P	P	Includes public service building, yard, and structures such as public works yards  Yards not allowed in the RR, WR,

<sup>3</sup> 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
										and C-1 zone
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
<b>E. Commercial Uses</b>										
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	Sec. 18.2.3.050  In C-1 zone, fuel sales and service is a permitted use provided within the Freeway Overlay, see 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
Automotive Sales and Rental includes motorcycles, boats, RVs, and trucks	N	N	N	N	N	N	CU	CU	P	Not 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	

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>E. Commercial Uses (continued)<sup>4</sup></b>										
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
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
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 of Building or Contracting Supplies, or Heavy Equipment	N	N	N	N	N	N	N	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

<sup>4</sup> 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>E. Commercial Uses (continued)<sup>5</sup></b>										
Office	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	
Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
Traveler's 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	
<b>F. Industrial and Employment Uses</b>										
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
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

<sup>5</sup> 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>F. Industrial and Employment Uses</b> <i>(continued)</i> <sup>6</sup>										
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 use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet
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	

<sup>6</sup> 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>G. Other Uses</b>										
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									

**SECTION 3.** Section 18.2.3.040 [Accessory Residential Unit – Special Use Standards] of the Ashland Land Use Ordinance is hereby deleted as follows:

### **18.2.3.040 Accessory Residential Unit**

~~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. Accessory residential units approved and constructed prior to (date of ordinance) (Ord. #) are considered duplexes and may be maintained and altered in accordance with section 18.2.3.110 Duplex.~~

~~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 as otherwise exempted in subsection 18.2.3.040.A.~~
- ~~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 the Historic District overlay and including exterior building changes that require a building permit, and 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.~~

~~B. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.~~

- ~~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.~~
  - ~~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 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.~~
- ~~C. RR Zone. In addition to the standards in subsection 18.2.3.040.B, accessory residential units in the RR zone shall meet the following requirements.~~
- ~~1. No on-street parking credits shall be allowed for accessory residential units.~~
  - ~~2. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.~~
- ~~D. 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.B, 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.~~
- ~~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, 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.~~

**SECTION 4.** Section 18.2.3.090 [Cottage Housing – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

#### **18.2.3.090 Cottage Housing**

- A. Purpose and Intent.** The purpose and intent of this chapter is to encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of small detached single-family dwellings for a population diverse in age, income, and household size. Where

cottage housing developments are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

- B. **Exceptions and Variances.** Requests to depart from the requirements of this chapter are subject to the approval criteria under section 18.5.2.050.E Exception to the Site Development and Design Standards.
- C. **Development Standards.** Cottage housing developments shall meet all of the following requirements.
  - 1. **Cottage Housing Development Density.** ~~Cottage Housing Density the permitted number of units and minimum lot areas shall be as follows.~~

- a. **Density Calculation.** **The maximum permitted number of cottages and minimum lot areas for cottage housing developments allowed under this section is provided in Table 18.2.3.090.C.1.a. Cottage housing developments are not eligible for density bonuses pursuant to subsection 18.3.9.050.B.**

Table 18.2.3.090.C.1.a Cottage Housing Development Density					
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-1-5	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

- b. **Duplexes.** **Duplexes are permitted in a cottage housing development if the total number of dwellings in the development is at or below the maximum cottage housing development density in subsection 18.2.3.090.C.1.a, above.**

- 2. **Building and Site Design.**
  - a. ***Maximum Floor Area Ratio.*** The combined gross floor area of all cottages and garages shall not exceed a 0.35 floor area ratio (FAR). Structures such as parking carports, green houses, and common accessory structures are exempt from the maximum floor area calculation.
  - b. ***Maximum Floor Area.*** The maximum gross habitable floor area for 75 percent or more of the cottages, within developments of four units or greater, shall be 800 square feet or less per unit. At least two of the cottages within three-unit cottage housing developments shall have a gross habitable floor area of 800 square feet or less. The gross habitable floor area for any individual cottage unit shall not exceed 1000 square feet.

- c. *Height.* Building height of all structures shall not exceed 18 feet. The ridge of a pitched roof may extend up to 25 feet above grade.
  - d. *Lot Coverage.* Lot coverage shall meet the requirements of the underlying zone outlined in Table 18.2.5.030.A.
  - e. *Building Separation.* A cottage development may include two-unit attached, as well as detached, cottages. With the exception of attached units, a minimum separation of six feet measured from the nearest point of the exterior walls is required between cottage housing units. Accessory buildings (e.g., carport, garage, shed, multipurpose room) shall comply with building code requirements for separation from non-residential structures.
  - f. *Fences.* Notwithstanding the provisions of section 18.4.4.060, fence height is limited to four feet on interior areas adjacent to common open space except as allowed for deer fencing in subsection 18.4.4.060.B.6. Fences in the front and side yards abutting a public street, and on the perimeter of the development shall meet the fence standards of section 18.4.4.060.
3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site Development and Site Design Standards, cottage housing developments are subject to the following requirements:
- a. *Public Street Dedications.* Except for those street connections identified on the Street Dedication Map, the Commission may reduce or waive the requirement to dedicate and construct a public street as required in 18.4.6.040 upon finding that the cottage housing development meets connectivity and block length standards by providing public access for pedestrians and bicyclists with an alley, shared street, or multi-use path connecting the public street to adjoining properties.
  - b. *Driveways and parking areas.* Driveway and parking areas shall meet the vehicle area design standards of section 18.4.3.
    - i. Parking shall meet the minimum parking ratios per 18.4.3.040.
    - ii. Parking shall be consolidated to minimize the number of parking areas, and shall be located on the cottage housing development property.
    - iii. Off-street parking can be located within an accessory structure such as a multi-auto carport or garage, but such multi-auto structures shall not be attached to individual cottages. Single-car garages and carports may be attached to individual cottages. Uncovered parking is also permitted provided that off street parking is screened in accordance with the applicable landscape and screening standards of chapter 18.4.4.
4. Common Open Space. Common open space shall meet all of the following standards.
- a. A minimum of 20 percent of the total lot area is required as common open space.

- b. Common open space(s) shall have no dimension that is less than 20 feet unless otherwise granted an exception by the hearing authority. Connections between separated common open spaces, not meeting this dimensional requirement, shall not contribute toward meeting the minimum common open space area.
- c. Shall consist of a central space, or series of interconnected spaces.
- d. Physically constrained areas such as wetlands or steep slopes cannot be counted towards the common open space requirement.
- e. At least 50 percent of the cottage units shall abut a common open space.
- f. The common open space shall be distinguished from the private open spaces with a walkway, fencing, landscaping, berm, or similar method to provide a visual boundary around the perimeter of the common area.
- g. Parking areas and driveways do not qualify as common open space.



Figure 18.2.3.090 Cottage Housing Conceptual Site Plans

5. Private Open Space. Each residential unit in a cottage housing development shall have a private open space. Private open space shall be separate from the common open space to create a sense of separate ownership.
  - a. Each cottage unit shall be provided with a minimum of 200 square feet of usable private open space. Private open space may include gardening areas, patios, or porches.
  - b. No dimension of the private open space shall be less than 8 feet.
6. Common Buildings, and Existing Nonconforming Structures and Accessory Residential Units.
  - a. *Common Buildings*. Up to 25 percent of the required common open space, but no greater than 1,500 square feet, may be utilized as a community building for the sole use of the cottage housing residents. Common buildings shall not be attached to cottages.
  - b. *Carports and garage structures*. Consolidated carports or garage structures, provided per 18.2.3.090.C.3.b, are not subject to the area limitations for common buildings.
  - c. *Nonconforming Dwelling Units*. An existing single-family residential structure built prior to December 21, 2017 (Ord. 3147), which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain. Existing nonconforming dwelling units shall be included in the maximum permitted cottage density. 1,000 square feet of the habitable floor area of such nonconforming dwellings shall be included in the maximum floor area permitted per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area, and the nonconforming dwelling's habitable floor area in excess of 1,000 square feet shall not be included in the maximum floor area ratio.
    - d. ~~**Accessory Residential Units. New accessory residential units (ARUs) are not permitted in cottage housing developments, except that an existing ARU that is accessory to an existing nonconforming single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.**~~
7. Storm Water and Low-Impact Development.
  - a. Developments shall include open space and landscaped features as a component of the project's storm water low impact development techniques including natural filtration and on-site infiltration of storm water.
  - b. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.
  - c. Cottages shall be located to maximize the infiltration of storm water run-off. In this zone, cottages shall be grouped and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and

native vegetation as reasonably possible when considering all standards in this chapter.

8. Restrictions.

- a. The size of a cottage dwelling may not be increased beyond the maximum floor area in subsection 18.2.3.090.C.2.a. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

**SECTION 5.** Section 18.2.3.110 [Duplex Dwelling Standards – Special Use Standards] of the Ashland Land Use Ordinance is hereby amended to read as follows:

**18.2.3.110 Duplex Dwelling Standards**

~~Duplex dwellings are allowed on corner lots within the R-1 zones in developments using the Performance Standards Option under chapter 18.3.9.~~

Duplexes are permitted outright with an approved building permit provided the duplex meets all of the following requirements.

- A. The duplex is located in a residential zone including the R-1, R-1-3.5, RR, WR, R-2, R-3, RR, NN, and NM zones.
- B. One duplex is allowed per lot and the maximum number of dwellings shall not exceed two per lot.
- C. Duplexes are not subject to the density or minimum lot area requirements of the zone.
- D. The proposal shall conform to the applicable dimensional standards in chapter 18.2.5 Standards for Residential Zones including but not limited to lot coverage, setbacks, and building height.
- E. The property must have two off-street parking spaces in conformance with the off-street parking provisions for duplexes 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.
- F. Duplexes shall be included for the purposes of meeting minimum density calculation requirements for the R-2 and R-3 zones in 18.2.5.080.C and for residential annexations in 18.5.8.050.F.

**SECTION 6.** Section 18.2.5.080 [Residential Density Calculations in R-2 and R-3 Zones – Standards for Residential 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 and PSO Overlay, 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 an 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~~**Duplexes** are not required to meet the density or minimum lot area requirements of this section. See section 18.2.3.~~040~~**110** for ~~accessory residential unit~~**duplex** 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 prior to 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 Overlay.
  - 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 or two units shall be 5,000 square feet, except as allowed in section 18.2.3.~~040110~~ for accessory residential units~~duplexes~~.
  - ~~b. Minimum lot area for two units shall be 7,000 square feet.~~
  - ~~eb.~~ 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.
  - ~~dc.~~ 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 is 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 or two units shall be 5,000 square feet, except as allowed in section 18.2.3.~~040110~~ for accessory residential units~~duplexes~~.
  - ~~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 three or 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.

**Commented [mh1]:** The state law requires the same lot size and density requirements for one unit as a duplex. Therefore, the minimum lot area for two units must be lowered to the existing 5,000 square feet in a. above.

**Commented [mh2]:** This is a standard that has been in place for several decades and allows a higher density than a calculation based on 13.5 dwelling units per acre ((9,000/43,560)\*13.5 = 2.79)). Staff recommends leaving this allowance in place since it is an existing right.

**Commented [mh3]:** Same comments as for 1.b above.

**Commented [mh4]:** This is more restrictive than a density calculation based on 20 units per acre ((8,000/43,560)\*20 = 3.67)). Staff recommends deleting this restriction.

**~~E. Exceptions. An accessory residential unit is not required to meet density or minimum lot area requirements per section 18.2.3.040110.~~**

**FE. Residential Density Bonus.**

1. Density Bonus Points Authorized. Except as allowed under chapter 18.3.9 Performance Standards Option and PSO Overlay, the permitted base density shall be increased only pursuant to this section.
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 Space.* The maximum bonus for provision of common open space 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 any common or private open space required by section 18.4.4.070 and this ordinance. The common open space shall meet the standards in section 18.4.4.070.

- c. *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.

**SECTION 7.** Section 18.2.5.090 [Standards for Single-Family Dwellings – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby amended to read as follows:

**18.2.5.090 Standards for Single-Family Dwellings and Duplexes**

- A. The following standards apply to new single-family dwellings **and duplexes** constructed in the R-1, R-1-3.5, R-2, and R-3 zones; the standards do not apply to dwellings in the WR or RR zones.
- B. Single-family dwellings **and duplexes** subject to this section shall utilize at least two of the following design features to provide visual relief along the front of the residence:
1. Dormers
  2. Gables
  3. Recessed entries
  4. Covered porch entries
  5. Cupolas
  6. Pillars or posts
  7. Bay window (min. 12" projection)
  8. Eaves (min. 6" projection)
  9. Off-sets in building face or roof (min. 16")

**SECTION 8.** Section 18.4.3.040 [Parking Ratios – Parking, Access, and Circulation] of the Ashland Land Use Ordinance is hereby 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.)
<b>Residential Categories</b>	
Single-family Dwelling	2 spaces for detached dwelling units and the following <u>for</u> attached dwelling units. <ul style="list-style-type: none"> <li>a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit.</li> <li>b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit.</li> <li>c. 2-bedroom units --1.75 spaces/unit.</li> <li>d. 3-bedroom or greater units -- 2.00 spaces/unit.</li> </ul>
<b>Accessory Residential Units Duplex</b>	<del>a. Units less than 800 sq. ft. -- 1 space/unit, except as exempted in subsection 18.2.3.040.A.</del> <b>b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. -- 2.00 spaces/unit.</b> <b>2 spaces for a duplex.</b>
<b>Multi-family Multifamily Dwellings</b>	<ul style="list-style-type: none"> <li>a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit.</li> <li>b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit.</li> <li>c. 2-bedroom units -- 1.75 spaces/unit.</li> <li>d. 3-bedroom or greater units -- 2.00 spaces/unit.</li> <li>e. Retirement complexes for seniors 55-years or greater -- One space per unit.</li> <li>f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.</li> </ul>
Cottage Housing	<ul style="list-style-type: none"> <li>a. Units less than 800 sq. ft. -- 1 space/unit.</li> <li>b. Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit.</li> <li>c. Units greater than 1000 sq. ft. -- 2.00 spaces/unit.</li> <li>d. Retirement complexes for seniors 55-years or greater -- One space per unit.</li> </ul>
Manufactured Housing	Parking for Manufactured Home on <del>Single-Family</del> <b>Single-family</b> Lot is same as <del>Single-Family</del> <b>Single-family</b> Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.
<b>Commercial Categories</b>	

<b>Table 18.4.3.040 – Automobile Parking Spaces by Use</b>	
<b>Use Categories</b>	<b>Minimum Parking per Land Use</b> (Based on Gross Floor Area; fractions are rounded to whole number.)
Auto, boat or trailer sales, retail nurseries and other outdoor retail uses	1 space per 1,000 sq. ft. of the first 10,000 sq. ft. of gross land area; plus 1 space per 5,000 sq. ft. for the excess over 10,000 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, entertainment 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.
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.
<b>Industrial Categories</b>	
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.
<b>Institutional and Public Categories</b>	
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.

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.)
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.
<b>Other Categories</b>	
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 9.** Section 18.5.2.020 [Applicability – Site Design Review] of the Ashland Land Use Ordinance is hereby amended to read as follows:

**18.5.2.020 Applicability**

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

- A. Commercial, Industrial, Non-Residential, and Mixed Uses.** Site Design Review applies to the following types of non-residential uses and project proposals, including proposals for commercial, industrial, and mixed-use projects, pursuant to section 18.5.2.030 Review Procedures.
1. New structures, additions, or expansions in C-1, E-1, HC, CM, and M-1 zones.
  2. New non-residential structures or additions in any zone, including public buildings, schools, churches, and similar public and quasi-public uses in residential zones.
  3. Mixed-use buildings and developments containing commercial and residential uses in a residential zoning district within the Pedestrian Place Overlay.
  4. Any exterior change, including installation of Public Art, to a structure which is listed on the National Register of Historic Places or to a contributing property within an Historic District on the National Register of Historic Places that requires a building permit.
  5. Expansion of impervious surface area in excess of ten percent of the area of the site, or 1,000 square feet, whichever is less.
  6. Expansion of any parking lot, relocation of parking spaces on a site, or any other change that alters or affects circulation onto an adjacent property or public right-of-

way.

7. Any change of occupancy from a less intense to a more intensive occupancy, as defined in the building code, or an change in use that requires a greater number of parking spaces.
  8. Any change in use of a lot from one general use category to another general use category, e.g., from residential to commercial, as defined in the zoning regulations of this ordinance.
  9. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from site design review per section 18.5.2.020.C.
  10. Installation of wireless communication facilities in accordance with section 18.4.10.
- B. Residential Uses.** Site Design Review applies to the following types of residential uses and project proposals, pursuant to section 18.5.2.030 Review Procedures.
1. ~~Two~~**Three** or more dwelling units on a lot in ~~any zoning district a residential zone including the R-1, R-1-3.5, RR, WR, R-2, R-3, NN, and NM zones, including the addition of an accessory residential unit, unless exempt from Site Design Review per subsection 18.2.3.040.A.~~
  2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
  3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
  4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
  5. Any change in use that requires a greater number of parking spaces.
  6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
  7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.
- C. Exempt From Site Design Review.** The following types of uses and projects are exempt from Site Design Review.
1. Detached single-family dwellings, duplexes, and associated accessory structures and uses.
  - ~~2. Accessory residential units meeting the requirements of subsection 18.2.3.040.A.~~
  - ~~3.~~ Land divisions and property line adjustments, which are subject to review under chapter 18.5.3.
  - ~~4.~~ The following mechanical equipment.
    - a. Private, non-commercial radio and television antennas not exceeding a height

of 70 feet above grade or 30 feet above an existing structure, whichever height is greater, and provided no part of such antenna shall be within the setback yards required by this ordinance. A building permit shall be required for any antenna mast or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.

- b. Not more than three parabolic disc antennas, each under one meter in diameter, on any one lot or dwelling unit.
- c. Roof-mounted solar collection devices in all zones, with the exception of E-1 and C-1 zoned properties located within designated historic districts. The devices shall comply with solar setback standards described in chapter 18.4.8 and the height standards of the respective zoning district.
- d. Roof-mounted solar collection devices on E-1 and C-1 zoned properties located within designated historic districts if the footprint of the structure is not increased, the plane of the system is parallel to the slope of the roof and does not extend above the peak height of the roof or existing parapets, or is otherwise not visible from a public right-of-way. The devices shall comply with solar setback standards described in chapter 18.4.8 and height requirements of the respective zoning district.
- e. Installation of mechanical equipment other than those exempted in 18.5.2.020.C.3, subsections a – d, above, and which is not visible from a public right-of-way, except alleys, or adjacent residentially zoned property and consistent with other provisions of this ordinance, including solar access in chapter 18.4.8, and noise and setback requirements of subsection 18.2.4.020.B. See also, screening standards for mechanical equipment in subsection 18.4.4.030.G.4.
- f. Routine maintenance and replacement of existing mechanical equipment in all zones.

**SECTION 10.** Section 18.6.1.030 [Definitions – Definitions] of the Ashland Land Use Ordinance is hereby amended to read as follows:

#### **18.6.1.030 Definitions**

The following definitions are organized alphabetically.

**Accessory Building or Structure.** A building or structure of secondary importance or function on a site, and which is located on the same lot with the primary use. Examples of accessory structures include but are not limited to: buildings not attached to the main building (e.g., garages, carports, guest houses, workshops, and sheds), arbors, gazebos, and mechanical equipment. ~~See also, definition of Dwelling – Accessory Residential Unit.~~

**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 as follows:

- **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). Accessory residential units approved and constructed prior to (date of ordinance) (Ord. #) are considered duplexes and may be maintained and altered in accordance with section 18.2.3.110 Duplex.
- ~~Duplex Dwelling. A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling. Two dwellings on one lot in any configuration including either in attached or detached structures. Two attached dwellings in a stand-alone structure that is included in a multifamily development of three or more units shall be considered multifamily dwellings and shall not be considered a duplex.~~
- **Cottage.** A single-family dwelling up to 1,000 square feet in size located in a cottage housing development and developed in accordance with section 18.2.3.090.
- **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. Three or more dwellings on one lot in any configuration including either in attached or detached structures.~~
- **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~~ **Single-family Dwelling.** A detached or attached structure

containing one dwelling unit located on ~~its own~~one lot.

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

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

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

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 \_\_\_\_\_, 2021, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Melissa Huhtala, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Julie Akins, Mayor

Reviewed as to form:

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David H. Lohman, City Attorney

