

**ASHLAND PLANNING COMMISSION
SPECIAL MEETING
April 27, 2021
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM
- II. **ANNOUNCEMENTS**
- III. **PUBLIC FORUM**
- IV. **DISCUSSION ITEMS**
 - A. Code Amendment Options for State of Oregon Middle Housing (Duplex) Requirements
- V. **OTHER BUSINESS**
- VI. **ADJOURNMENT**



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: April 27, 2021

TO: Ashland Planning Commission

FROM: Maria Harris, Planning Manager

RE: Draft code amendments to meet state requirements for duplexes and accessory residential units

Summary

This is a discussion item about the proposed land use code amendments to meet new state law and administrative rules regarding duplexes and accessory residential units (ARUs). The draft code amendments are scheduled for a public hearing at the Planning Commission on May 11, 2021 and must be adopted by June 30, 2021 to meet the requirements of House Bill (HB) 2001.

The draft code amendments are attached and the past meeting and reference materials are available on the project web page at www.ashland.or.us/duplexcode.

In addition, the Planning Commission is being asked to initiate a Planning Application for a legislative action to amend chapters of the Ashland Land Use Ordinance to update the allowances and development standards for duplexes and ARUs as required by HB 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Session.

Background

In the 2019 legislative session, the Oregon State Legislature passed [HB 2001](#) which requires “medium” cities such as Ashland to amend local zoning codes to allow duplexes on residentially zoned lots that allow the development of detached single-family homes. A medium city is defined as with a population between 10,000 and 25,000 and outside the Portland Metro boundary. The 2020 population estimate for Ashland from Portland State University is 21,105.

HB 2001 also includes a provision that prohibits jurisdictions from requiring off-street parking and owner-occupancy requirements for ARUs.

HB 2001 requires medium cities to develop and adopt standards in compliance with the state requirements by June 30, 2021.

HB 2001 became effective on August 8, 2019. A year later, the Land Conservation and Development Commission (LCDC) adopted Chapter 660 Division 46 Middle Housing in Medium and Large Cities. The administrative rules became effective on August 7, 2020 and outline requirements for medium cities for the land use review process and development standards for duplexes.



HB 2001 says that cities may 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 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 applicable to detached single-family dwellings in the same zone.

In Ashland, detached 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.

Summary of Draft Code Amendments

The primary changes included in the draft code amendments are described below. Additional notes are included in the draft code amendments to provide background on various amendments that are not covered below.

- **Section 2: AMC 18.2.2.030 Allowed Uses (page 5 of 73)** – Duplexes become permitted with special use standards in 18.2.3.110 in all of the residential zones. As a result, a second unit is permitted on any residentially zoned lot where a detached single-family residence is allowed, as required by state law. The process for constructing a duplex or converting an existing structure to a duplex is by obtaining a building permit.
- **Section 3: AMC 18.2.2.040 Accessory Residential Unit (page 13 of 73)** – ARUs are no longer required to obtain a separate planning application and approval, and instead can be constructed by obtaining a building permit. This change in the ARU approval process is staff's recommendation so that there is the same process for any development that allows two units on one lot – see discussion below.
- **Section 5: AMC 18.2.3.110 Duplex (page 20 of 73)** – The duplex standards are revised to address the requirements in state law and administrative rules.
- **Section 17: AMC 18.4.3.040 Parking Ratios (page 48 of 73)** – The parking requirements are amended to delete the parking requirements for ARUs and to add a parking requirement of two spaces for a duplex. State law prohibits local jurisdictions from requiring the installation of parking spaces on a property that adds an ARU, and specifies that the maximum that can be required for a duplex is two parking spaces per lot.
- **Section 23: AMC 18.6.1.030 Definitions (page 71 of 73)** – The definition of a duplex is revised to two units on one lot in any configuration, in either attached or detached structures. The definition of ARU is differentiated from duplex by reference to the size limitations.

The proposed definition of a duplex in the draft code amendments is from the [State of Oregon Model Code for Medium Cities](#) 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 structures).



If Ashland were to use the narrower definition of a duplex, which is two attached units on one lot, the code in the current form would require a planning application (i.e., Site Design Review) and approval for a detached second unit. However, by state law, the City cannot require a separate planning application and approval process for a “duplex” but instead must allow the construction of a duplex by obtaining a building permit alone – because this is the comparable process for a detached single-family home in Ashland.

The result of limiting the definition of a duplex to two attached units would be that two attached units on one lot would in most cases be allowed by obtaining a building permit. In contrast, two detached units on one lot would require first a planning application and approval, and then if the project was approved, a building permit for construction of the second detached unit.

Staff believes the flexibility to define a duplex as two units on one lot in any configuration (i.e., attached or detached structures) has several advantages that are described below. As a result, staff recommends using the more flexible definition of a duplex.

- Creates equity in the approval process by having one process, timeline and permit costs that address all permits for two units on a lot whether there is one building or two buildings on the property. A planning application and approval adds time and application costs for the property owner. In addition, the required public noticing process for a planning application and the possibility of a public hearing request by a neighbor will deter some property owners from pursuing detached units. A planning application process can also create neighborhood expectations that don’t align with state requirements for clear and objective standards for needed housing.
- Provides more design flexibility to tailor the unit configuration to best suit an individual property. Common design issues are tree preservation, creating or preserving yard space, and physical constraints such as steep slopes and riparian areas. If a planning approval process is retained for detached units but not for attached units, it may create a disincentive and discourage a better design using a detached structure. Different processes may also result in unusual attached designs to avoid the added planning process and additional fees.
- Removes barriers to housing production of rental units and therefore, addresses adopted housing policy and housing needs analysis to address low vacancy rates, variety of housing types and housing costs.
- Enhances customer service and efficiency in administration of the land use code. One approval process for two units on one lot whether there is one building or two buildings will require less staff time than having to explain two different processes, timelines and related fees.

Staff is recommending that ARUs also do not require a separate planning application for the same reasons described above. Currently, ARUs that are under 500 square feet in size and are attached to the single-family residence are permitted with a building permit. However, ARUs over 500 square feet in size, ARUs located in a detached structure or ARUs in the historic districts are required to obtain a planning approval for Site Design Review before moving to the building permit stage of the project.

ORS 197.312(5) requires cities with populations over 2,500 to allow the development of at least one ARU for each detached single-family dwelling in areas that are zoned for detached single-family dwellings “subject to reasonable local regulations relating to siting and design.” While the new state law and administrative rules for duplexes specify that the approval process and development standards for



duplexes can be no more restrictive than those used for a single-family dwelling, there are no such requirements in state law or administrative rules for processing ARUs at the local level, outside of the prohibition on parking and occupancy requirements. As a result, it is staff's understanding that state law continues to allow a planning application process for ARUs.

Terminology and Standards for Two Units

At the February 23, 2021 study session, the Planning Commission asked staff to contact the Oregon Department of Land Conservation and Development (DLCD) regarding whether the proposed amendments must include ARUs as a dwelling type with separate standards. The first draft of the duplex code amendments used an approach where all configurations of two units on one lot were considered a duplex, with ARUs being absorbed as a type of duplex.

DLCD staff indicated that the approach in the first draft did seem to work and that ARUs do not need to be retained as a separate dwelling type or use as long as an option for adding a smaller second unit that does not require off-street parking is retained. DLCD suggested incorporating language in the code indicating that the smaller second units that would be permitted without off-street parking are intended to comply with ORS 197.312. As described above, ORS 197.312 is the section of state law that requires cities with a population of 2,500 and greater to allow one accessory dwelling unit for each detached single-family dwelling, and prohibits the local jurisdiction from requiring the construction of off-street parking in conjunction with the installation of an accessory dwelling unit.

Despite the support of DLCD staff for the approach used in the initial draft, the attached draft is modified to retain ARUs as a separate use with separate development standards. In the interest of time, staff felt it was necessary to continue working on a draft that the Planning Commission would be willing to consider for the public hearing. In addition, staff believes the community is accustomed to the concept of an ARU and for that reason, it may be equally confusing if the ARU use is removed from the code.

Ultimately, the state law does not adequately address the overlap between the requirements for ARUs and duplexes, especially in that identical developments of two units could be considered an ARU or a duplex. DLCD released an updated "House Bill 2001 Implementation and Interpretation FAQ" document on April 12, 2021 that includes the following regarding duplexes versus ARUs. This is similar to the information in the state's Model Code for Medium Cities which was cited at the February 23, 2021 Planning Commission meeting.

Q 36: What's the difference between an ADU and a detached duplex? Does city or developer get to define those units?

A: Division 46 provides a simple set of definitions for jurisdictions that establish the minimum necessary definitional characteristics (i.e. number of units on lot). The Division 46 definitions also give an additional set of options for cities to define these housing types differently. For example, the Division 46 definition of a duplex is that the units are attached. The rules also allow a city to define a duplex as either attached or detached. ADU allowances may create scenarios where there is little parity between that and a duplex. In a scenario where a property owner is proposing a development that can meet both the definition of a duplex and the definition of an ADU, DLCD recommends that the city allow the property owner to declare which property type it should be reviewed as.



Initiating a Legislative Amendment

The Planning Commission is being asked to initiate a Type III Planning Application to amend chapters of the Ashland Land Use Ordinance to update the allowances and development standards for duplexes and ARUs as required by House Bill 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Session. 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).

Next Steps

The tentative schedule includes: 1) a roundtable meeting on April 21, 2021 with the local design professionals, contractors, developers and affordable housing providers to review the draft amendments, 2) advisory commission meetings in April and May 2021, and 3) a public hearing and recommendation at the Planning Commission on May 11, 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 study session at the City Council on May 17, 2021, a public hearing and first reading at the City Council on June 1, 2021, and second reading on June 15, 2021.

Attachments

Draft Code Amendments for Duplexes and ARUs



ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 18.2.2, 18.2.3, 18.2.5, 18.3.4, 18.3.5, 18.3.9, 18.3.12, 18.4.2, 18.4.3, 18.5.2, 18.5.7, AND 18.6.1 OF THE ASHLAND LAND USE ORDINANCE TO AMEND THE ALLOWANCES AND DEVELOPMENT STANDARDS FOR DUPLEXES AND ACCESSORY RESIDENTIAL UNITS AS REQUIRED BY HOUSE BILL 2001 FROM THE 80th OREGON LEGISLATIVE ASSEMBLY, 2019 REGULAR LEGISLATIVE SESSION

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, House Bill (HB) 2001 “relating to housing; creating new provisions; amending ORS197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency” was passed at the 80th Oregon Legislative Assembly, 2019 Regular Session, and became effective on August 8, 2019. HB 2001 requires “medium” cities to amend local land use codes to allow duplexes on residentially zoned lots that allow the development of detached single-family homes. A medium city is defined as with a population of between 10,000 and 25,000, and the 2020 population estimate for Ashland from Portland State University is 21,105. HB 2001 allows cities to regulate the siting and design of duplexes as long as the

1 regulations do not, individually or cumulatively, deter the development of duplexes through
2 unreasonable cost and delay.

3
4 **WHEREAS**, the Land Conservation and Development Commission (LCDC) adopted Chapter
5 660 Division 46 Middle Housing in Medium and Large Cities in July 2020 and the
6 administrative rules because effective on August 7, 2020. The administrative rules provide
7 standards for medium cities for the implementation of the middle housing requirements of HB
8 2001. The administrative rules clarify that siting and design standards that create unreasonable
9 cost and delay include any standards applied to duplex development that are more restrictive than
10 those that are applied to detached single-family dwellings in the same zone.

11
12 **WHEREAS**, the City of Ashland Planning Commission considered the above-referenced
13 recommended amendments to the Ashland Land Use Ordinance at a duly advertised public
14 hearings on May 11, 2021, and following deliberations, recommended approval of the
15 amendments by a vote of (#-#); and

16
17 **WHEREAS**, the City Council of the City of Ashland conducted a duly advertised public hearing
18 on the above-referenced amendments on June 1, 2021; and

19
20 **WHEREAS**, the City Council of the City of Ashland, following the close of the public hearing
21 and record, deliberated and conducted first and second readings approving adoption of the
22 Ordinance in accordance with Article 10 of the Ashland City Charter; and

23
24 **WHEREAS**, the City Council of the City of Ashland has determined that in order to meet the
25 requirements of state law and protect and benefit the health, safety and welfare of existing and
26 future residents of the City, it is necessary to amend the Ashland Land Use Ordinance in the
27 manner proposed, that an adequate factual base exists for the amendments, the amendments are
28 consistent with the Ashland Comprehensive Plan and that such amendments are fully supported
29 by the record of this proceeding.

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

2
3 **SECTION 1.** Ashland Municipal Code Title 18 Land Use is hereby amended as follows.

4
5 **SECTION 2.** Section 18.2.2.030 [Allowed Uses – Base Zones and Allowed Uses] of the
6 Ashland Land Use Ordinance is hereby amended to read as follows:

7 **18.2.2.030 Allowed Uses**

- 8 **A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, permitted
9 subject to special use standards, and allowed subject to approval of a conditional use
10 permit. Where Table 18.2.2.030 does not list a specific use and chapter 18.6 does not
11 define the use or include it as an example of an allowed use, the City may find that use is
12 allowed, or is not allowed, following the procedures of section 18.1.5.040.
- 13 **B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as
14 “Permitted (P)” are allowed. Uses listed as “Permitted Subject to Special Use Standards (S)”
15 are allowed, provided they conform to chapter 18.2.3 Special Use Standards. All uses are
16 subject to the development standards of zone in which they are located, any applicable
17 overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020.
- 18 **C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed
19 subject to the requirements of chapter 18.5.4.
- 20 **D. Prohibited Uses.** Uses not listed in Table 18.2.2.030 and not found to be similar to an
21 allowed use following the procedures of section 18.1.5.040 are prohibited. Prohibited uses
22 are subject to the violations, complaints, and penalties sections in 18-1.6.080, 18-1.6.090,
23 and 18-1.6.100.
- 24 **E. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of chapter 18.2.2,
25 additional land use standards or use restrictions apply within overlay zones. An overlay zone
26 may also provide for exceptions to some standards of the underlying zone. For uses allowed
27 in special districts CM, HC, NM, NN and SOU, and for regulations applying to the City’s
28 overlays zones, refer to part 18.3.
- 29 **F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as
30 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

1 occur on public property (e.g., street right-of-way, parks, sidewalks, or other public
2 grounds) require a Special Event Permit pursuant to AMC 13.03.

- 3 2. Garage Sales. Garage sales shall have a duration of not more than two days and shall
4 not occur more than twice within any 365-day period. Such activity shall not be
5 accompanied by any off-premises advertisement. For the purpose of this ordinance,
6 garage sales meeting the requirements of this subsection shall not be considered a
7 commercial activity.

- 8 3. Temporary Buildings. Temporary occupancy of a manufactured housing unit or similar
9 structure may be permitted for a period not to exceed 90 calendar days upon the
10 granting of a permit by the Building Official. Such occupancy may only be allowed in
11 conjunction with construction on the site. Said permit shall not be renewable within a six-
12 month period beginning at the first date of issuance, except with approval of the Staff
13 Advisor.

- 14 I. **Disclaimer**. Property owners are responsible for verifying whether a proposed use or
15 development meets the applicable standards of this ordinance.
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1	Table 18.2.2.030 – Uses Allowed by Zone										
2		R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
3	A. Agricultural Uses¹										
4	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
5	Keeping of Bees	S	S	S	S	S	S	N	N	N	Sec. 18.2.3.160
6	Keeping of Livestock	S	N	N	N	S	S	N	N	N	
7	Keeping of Micro-Livestock	S	S	S	S	S	S	N	N	N	
8	Marijuana Cultivation, Homegrown	S	S	S	S	S	S	S	S	S	Sec. 18.2.3.190 See General Industrial, Marijuana Production
9	B. Residential Uses										
10	Single-Family <u>Single-family</u> Dwelling	P	P	P	P	P	P	S	S	N	See Single-Family <u>Single-family</u> standards in Sec. 18.2.5.090 Sec. 18.2.3.130 <u>for dwellings in</u> 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
11	Accessory Residential Unit	P or S	P or S	S	S	P or S	N S	N	N	N	Sec. 18.2.3.040 and Sec. 18.5.2.020.C.2
12	Cottage Housing	S	N	N	N	N	N	N	N	N	Sec. 18.2.3.090 Cottage Housing
13	Duplex Dwelling	S	P S	P S	P S	N S	N S	S	S	N	Sec. 18.2.3.110 Duplex Dwelling and <u>Sec. 18.5.2.020.C.2</u> <u>Sec. 18.2.3.130 for dwellings in C-1 zone and E-1 zone</u> <u>Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120</u>

¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
ORDINANCE NO. #

1	Table 18.2.2.030 – Uses Allowed by Zone										
2		R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
3											<u>and 18.2.5.070</u>
4	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
5	B. Residential Uses² (continued)										
6	Manufactured Housing Development	N	S	CU+S	N	N	N	N	N	N	Sec. 18.2.3.180
7	Multifamily Dwelling	N	P	P	P	N	N	S	S	N	Sec. 18.2.3.130 for C-1 zone and E-1 zone
8											Dwellings in Transit Triangle (TT) overlay, see chapter 18.3.14
9											Dwellings and additions in Historic District Overlay, see Sec. 18.2.3.120 and 18.2.5.070
10	Rental Dwelling Unit Conversion to For-Purchase Housing	N	N	S	S	N	N	N	N	N	Sec. 18.2.3.200
11	Home Occupation	S	S	S	S	S	S	S	S	N	Sec. 18.2.3.150
12	C. Group Living										
13	Nursing Homes, Convalescent Homes	CU	CU	CU	CU	CU	CU	N	N	N	See chapter 18.3.3 Health Care Services
14	Residential Care Home	P	P	P	P	P	P	N	N	N	Subject to State licensing requirements
15	Residential Care Facility	CU	P	P	P	CU	CU	N	N	N	Subject to State licensing requirements
16	Room and Boarding Facility	N	P	P	P	N	N	N	N	N	
17	D. Public and Institutional Uses										
18	Airport										See chapter 18.3.7 Airport Overlay
19	Cemetery, Mausoleum, Columbarium	N	N	N	N	CU	N	N	N	N	
20	Child Care Facility	CU	CU	CU	CU	CU	CU	P	P	P	Family Child Care Home exempt from planning application procedure pursuant

² KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
ORDINANCE NO. #

1	Table 18.2.2.030 – Uses Allowed by Zone										
2		R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
3											to ORS 329A.440, see part 18.6 for definition
4											Subject to State licensing requirements
5	D. Public and Institutional Uses <i>(continued)</i> ³										
6	Club Lodge, Fraternal Organization	CU	CU	CU	CU	CU	CU	P	CU	CU	
7	Electrical Substation	N	N	N	N	N	N	CU	CU	P	
8	Hospitals	CU	CU	CU	CU	CU	N	N	N	N	See chapter 18.3.3 Health Care Services
9	Governmental Offices and Emergency Services (e.g., Police, Fire); excluding Outdoor Storage	CU	CU	N	N	CU	CU	P	P	P	
10	Mortuary, Crematorium	N	N	N	N	CU	N	P	P	P	
11	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	
12	Public Parking Facility	N	N	N	N	N	N	P	N	N	
13	Recycling Depot	N	N	N	N	N	N	N	P	P	Not allowed within 200 ft of a residential zone
14	Religious Institution, Houses of Worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	
15	School, Private (Kindergarten and up)	CU	CU	CU	CU	CU	CU	N	N	N	
16	School, Public (Kindergarten and up)	P	P	P	P	P	CU	N	N	N	
17	School, Private College/Trade/Technical School	N	N	N	N	N	N	N	CU	P	
18	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, and C-1 zone
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20											
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22											

³ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
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Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
Wireless Communication Facility	CU	CU	CU	CU	CU	CU	P or CU	P or CU	P or CU	Sec.18.4.10
E. Commercial Uses										
Amusement/Entertainment, includes theater, concert hall, bowling alley, miniature golf, arcade; excluding drive-up uses	N	N	N	N	N	N	P	CU	P	
Automotive and Truck Repair, or Service; includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	N	N	S or CU	S or CU	P	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
E. Commercial Uses <i>(continued)</i> ⁴										
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.

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
ORDINANCE NO. #

1	Table 18.2.2.030 – Uses Allowed by Zone										
2		R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
3	Nightclub, Bar	N	N	N	N	N	N	S	CU	P	Not allowed within the Historic District Overlay unless located in C-1-D
4	E. Commercial Uses <i>(continued)</i> ⁵										
5	Office	N	N	CU	CU	N	N	P	P	P	
6	Outdoor Storage of Commodities or Equipment associated with an allowed use	N	N	N	N	N	N	CU	CU	P	
7	Plant Nursery, Wholesale, except Marijuana Production	N	N	CU	CU	N	N	N	N	N	
8	Self-Service Storage, Commercial (Mini-Warehouse)	N	N	N	N	N	N	N	CU	P	
9	Traveler's Accommodation (See also Accessory Travelers' Accommodation)	N	N	CU+S	CU+S	N	N	N	N	N	Sec. 18.2.3.220
10	Veterinary Clinic	N	N	N	N	N	N	P	P	P	
11	F. Industrial and Employment Uses										
12	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
13	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
14	Concrete or Asphalt Batch Plant	N	N	N	N	N	N	N	N	CU	
15	Dwelling for a caretaker or watchman	N	N	N	N	N	N	N	CU	CU	
16	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
17											In the E-1 zone, See Sec. 18.2.3.140
18											

⁵ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.
ORDINANCE NO. #

Table 18.2.2.030 – Uses Allowed by Zone

	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards
F. Industrial and Employment Uses <i>(continued)</i> ⁶										
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

⁶ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**
ORDINANCE NO. #

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Table 18.2.2.030 – Uses Allowed by Zone											
	R-1	R-1-3.5	R-2	R-3	RR	WR	C-1 & C-1-D	E-1	M-1	Special Use Standards	
Wrecking, Demolition, and Junk Yards	N	N	N	N	N	N	N	N	CU		
G. Other Uses											
Temporary Tree Sales	N	N	N	N	N	N	P	N	N	Allowed from November 1 to January 1	
Temporary Use	CU, except uses lasting less than 72 hours are subject to Ministerial review, per Sec. 18.2.2.030.H										

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

3 **18.2.3.040 Accessory Residential Unit**

4 ~~Accessory residential units are subject to Site Design Review under chapter 18.5.2,~~
5 ~~except as exempted in subsection 18.2.3.040.A, below are permitted outright with an~~
6 ~~approved building permit provided the accessory residential unit meets all of the~~
7 ~~following requirements.~~

8 **A. The accessory residential unit is located in a residential zone including the R-1,**
9 **R-1-3.5, RR, WR, R-2, R-3, NN, and NM zones.**

10 **B. One accessory residential unit is allowed per lot, and the maximum number of**
11 **dwellings shall not exceed two per lot.**

12 **C. Accessory residential units are not subject to the maximum density or minimum**
13 **lot area requirements of the zone.**

14 **D. Accessory residential units shall be included for the purposes of meeting**
15 **minimum density calculation requirements for the R-2 and R-3 zones in**
16 **18.2.5.080.C and for residential annexations in 18.5.8.050.F.**

17 **E. Off-street parking spaces are not required for accessory residential units as**
18 **specified in the parking ratio requirements in section 18.4.3.040.**

19 **F. The proposal shall conform to the applicable dimensional standards in chapter**
20 **18.2.5 Standards for Residential Zones including but not limited to lot coverage,**
21 **setbacks, and building height.**

22 **G. Size Requirements**

23 **1. Single-Family Zones. In the R-1, R-1-3.5, RR, WR, and NN zones, the**
24 **maximum gross habitable floor area (GHFA) of the accessory residential unit**
25 **shall not exceed 50 percent of the GHFA of the single-family dwelling located**
26 **on the same lot, and shall not exceed 1,000 square feet GHFA.**

27 **2. Multiple Family Zones. In the R-2 and R-3 zones, the maximum gross**
28 **habitable floor area (GHFA) of the accessory residential structure shall not**
29 **exceed 50 percent of the GHFA of the single-family dwelling located on the**
30 **same lot, and shall not exceed 500 square feet GHFA.**

3. NM Zones. In the North Mountain Neighborhood NM zones, 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.

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.

Commented [mh1]: This change requires a building permit to construct an ARU and eliminates the planning application process (Site Design Review) required for some ARUs. Staff recommends this approach for consistency with duplex requirements in order to create equitable process for the development of two units on one lot.

Commented [mh2]: Per new state requirements in House Bill (HB) 2001.

Commented [mh3]: Existing size limitations for ARUs are retained.

- 1 ~~1. The accessory residential unit is located in the R-1, R-1-3.5, RR, NN and NM~~
- 2 ~~zones. Accessory residential units in the R-2 and R-3 zones require Site~~
- 3 ~~Design Review under chapter 18.5.2 and are not permitted outright under this~~
- 4 ~~subsection.~~
- 5 ~~2. The accessory residential unit meets all of the requirements of the applicable~~
- 6 ~~zone in subsections 18.2.3.040.B, C, E and F, below, except as otherwise~~
- 7 ~~exempted in subsection 18.2.3.040.A.~~
- 8 ~~3. The size of the accessory residential unit is less than 500 square feet of~~
- 9 ~~gross habitable floor area (GHFA).~~
- 10 ~~4. The accessory residential unit is attached to the primary residence or within~~
- 11 ~~an existing primary residence. Accessory residential units located in the~~
- 12 ~~Historic District overlay and including exterior building changes that require~~
- 13 ~~a building permit, and accessory residential units located in detached~~
- 14 ~~structures (i.e., not attached to the primary residence) require Site Design~~
- 15 ~~Review under chapter 18.5.2 and are not permitted outright under this~~
- 16 ~~subsection.~~
- 17 ~~5. The property must have two off-street parking spaces, except that parking~~
- 18 ~~spaces, turn-arounds, and driveways are exempt from the requirements in~~
- 19 ~~subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection~~
- 20 ~~18.4.3.080.E.1.~~
- 21 ~~6. Additional off-street parking is not required for the accessory residential unit~~
- 22 ~~if on-street parking is permitted within 200 feet of the property. Alternatively,~~
- 23 ~~one off-street parking space may be provided on the property in~~
- 24 ~~conformance with the off-street parking provisions for accessory residential~~
- 25 ~~units in section 18.4.3.080.~~
- 26 ~~B. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following~~
- 27 ~~requirements.~~
- 28 ~~1. One accessory residential unit is allowed per lot, and the maximum number~~
- 29 ~~of dwelling units shall not exceed two per lot.~~
- 30 ~~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.~~

- 1 ~~C. RR Zone. In addition to the standards in subsection 18.2.3.040.B, accessory~~
2 ~~residential units in the RR zone shall meet the following requirements.~~
3 ~~1. No on-street parking credits shall be allowed for accessory residential units.~~
4 ~~2. If located in the Wildfire zone, the accessory residential unit shall have a~~
5 ~~residential sprinkler system installed.~~
6 ~~D. R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall~~
7 ~~meet the standards in subsection 18.2.3.040.B, except that the maximum gross~~
8 ~~habitable floor area (GHFA) of the accessory residential structure shall not~~
9 ~~exceed 50 percent of the GHFA of the primary residence on the lot, and shall not~~
10 ~~exceed 500 square feet GHFA.~~
11 ~~E. NN Zones. Accessory residential units in the Normal Neighborhood District~~
12 ~~under chapter 18.3.4 shall meet the standards in subsection 18.2.3.040.B.~~
13 ~~F. NM Zones. Accessory residential units in the North Mountain Neighborhood NM~~
14 ~~zones under chapter 18.3.5 shall meet the standards in subsection 18.2.3.040.B,~~
15 ~~except that the maximum gross habitable floor area (GHFA) of the accessory~~
16 ~~residential unit must not exceed 750 square feet GHFA and that second story~~
17 ~~accessory residential units constructed above a detached accessory building~~
18 ~~must not exceed 500 square feet GHFA.~~

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

21 **18.2.3.090 Cottage Housing**

- 22 **A. Purpose and Intent.** The purpose and intent of this chapter is to encourage innovative
23 site planning and variety in housing while ensuring compatibility with established
24 neighborhoods, and to provide opportunities for ownership of small detached single-
25 family dwellings for a population diverse in age, income, and household size. Where
26 cottage housing developments are allowed, they are subject to Site Design Review
27 under chapter 18.5.2, and shall meet all of the following requirements.
- 28 **B. Exceptions and Variances.** Requests to depart from the requirements of this chapter
29 are subject to the approval criteria under section 18.5.2.050.E Exception to the Site
30 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 dwellings 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

- 1 side_yards abutting a public street, and on the perimeter of the development
2 shall meet the fence standards of section 18.4.4.060.
- 3 3. Access, Circulation, and Off-Street Parking Requirements. Notwithstanding the
4 provisions of chapter 18.3.9 Performance Standards Option and 18.4 Site
5 Development and Site Design Standards, cottage housing developments are
6 subject to the following requirements:
- 7 a. *Public Street Dedications*. Except for those street connections identified on the
8 Street Dedication Map, the Commission may reduce or waive the requirement
9 to dedicate and construct a public street as required in 18.4.6.040 upon finding
10 that the cottage housing development meets connectivity and block length
11 standards by providing public access for pedestrians and bicyclists with an
12 alley, shared street, or multi-use path connecting the public street to adjoining
13 properties.
- 14 b. *Driveways and parking areas*. Driveway and parking areas shall meet the
15 vehicle area design standards of section 18.4.3.
- 16 i. Parking shall meet the minimum parking ratios per 18.4.3.040.
- 17 ii. Parking shall be consolidated to minimize the number of parking areas, and
18 shall be located on the cottage housing development property.
- 19 iii. Off-street parking can be located within an accessory structure such as a
20 multi-auto carport or garage, but such multi-auto structures shall not be
21 attached to individual cottages. Single-car garages and carports may be
22 attached to individual cottages. Uncovered parking is also permitted
23 provided that off street parking is screened in accordance with the
24 applicable landscape and screening standards of chapter 18.4.4.
- 25 4. Common Open Space. Common open space shall meet all of the following
26 standards.
- 27 a. A minimum of 20 percent of the total lot area is required as common open
28 space.
- 29 b. Common open space(s) shall have no dimension that is less than 20 feet
30 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, 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

- 1 attached to cottages.
- 2 b. *Carports and garage structures.* Consolidated carports or garage structures,
- 3 provided per 18.2.3.090.C.3.b, are not subject to the area limitations for
- 4 common buildings.
- 5 c. *Nonconforming Dwelling Units.* An existing single-family residential structure
- 6 built prior to December 21, 2017 (Ord. 3147), which may be nonconforming
- 7 with respect to the standards of this chapter, shall be permitted to remain.
- 8 Existing nonconforming dwelling units shall be included in the maximum
- 9 permitted cottage density. 1,000 square feet of the habitable floor area of such
- 10 nonconforming dwellings shall be included in the maximum floor area permitted
- 11 per 18.2.3.090C.2.a. Existing garages, other existing non-habitable floor area,
- 12 and the nonconforming dwelling's habitable floor area in excess of 1,000
- 13 square feet shall not be included in the maximum floor area ratio.
- 14 d. *Accessory Residential Units.* New accessory residential units (ARUs) are not
- 15 permitted in cottage housing developments, except that an existing ARU that is
- 16 accessory to an existing nonconforming single-family ~~structuredwelling~~ may
- 17 be counted as a cottage unit if the property is developed subject to the
- 18 provisions of this chapter.
- 19 7. Storm Water and Low-Impact Development.
- 20 a. Developments shall include open space and landscaped features as a
- 21 component of the project's storm water low impact development techniques
- 22 including natural filtration and on-site infiltration of storm water.
- 23 b. Low impact development techniques for storm water management shall be
- 24 used wherever possible. Such techniques may include the use of porous solid
- 25 surfaces in parking areas and walkways, directing roof drains and parking lot
- 26 runoff to landscape beds, green or living roofs, and rain barrels.
- 27 c. Cottages shall be located to maximize the infiltration of storm water run-off. In
- 28 this zone, cottages shall be grouped and parking areas shall be located to
- 29 preserve as much contiguous, permanently undeveloped open space and
- 30 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

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

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

5 A. The duplex is located in a residential zone including the R-1, R-1-3.5, RR, WR, R-
6 2, R-3, NN, and NM zones.

7 B. One duplex is allowed per lot and the maximum number of dwellings shall not
8 exceed two per lot.

9 C. Duplexes are not subject to the maximum density or minimum lot area
10 requirements of the zone, except that duplexes in a cottage housing
11 development shall meet the density requirements of subsection 18.2.3.090.C.

12 D. Duplexes shall be included for the purposes of meeting minimum density
13 calculation requirements for the R-2 and R-3 zones in 18.2.5.080.C and for
14 residential annexations in 18.5.8.050.F.

15 E. The proposal shall conform to the applicable dimensional standards in chapter
16 18.2.5 Standards for Residential Zones including but not limited to lot coverage,
17 setbacks, and building height.

18 F. The property shall have two off-street parking spaces in conformance with the
19 parking ratio requirements in section 18.4.3.040. Parking spaces shall meet the
20 vehicle area design requirements of section 18.4.3.80, except that parking
21 spaces, turn-arounds, and driveways are exempt from the requirements in
22 subsections 1 and 2 of 18.4.3.080.D and paving requirements in subsection
23 18.4.3.080.E.1.

24 **SECTION 6.** Section 18.2.5.060 [Yard Exceptions – Standards for Residential Zones] of
25 the Ashland Land Use Ordinance is hereby amended to read as follows:

26 **18.2.5.060 Yard Exceptions**

27 **A. Front Yard Exceptions.**

- 28 1. If there are dwellings or accessory buildings on both abutting lots (even if
29 separated by an alley or private way) with front or side yards abutting a public
30 street with less than the required setback for the district, the front yard for the lot
need not exceed the average yard of the abutting structures.
2. If there is a dwelling or accessory building on one abutting lot with a front yard of
less than the required depth for the district, the front yard need not exceed the
average yard of the depth of the abutting lot and the required front yard depth.
3. The front yard may be reduced to ten feet on hillside lots where the terrain has an
average steepness equal to or exceeding a one foot rise or fall in four feet of
horizontal distance within the entire required yard; vertical rise or fall is measured
from the natural ground level at the property.

Commented [mh4]: Per new state requirements in HB
2001 and OAR 660 Division 46.

1 **B. Side and Rear Yard Exceptions for Accessory Buildings, and Accessory**
2 **Residential Units, and Duplexes. The side and rear yards for accessory**
3 **buildings, accessory residential units, and duplexes may be reduced as**
4 **described below provided the structure meets all of the following requirements.**

5 **1. Structure.**

6 **a. The structure is not attached to any other buildings or dwellings, and is**
7 **not more and 15 feet in height.**

8 **b. If the structure is located on a lot that is not adjacent to an alley, the**
9 **structure is located more than 50 feet from any street.**

10 **c. The side and rear yard exceptions in this section may be applied to a**
11 **single detached duplex unit but shall not be applied to both duplex units**
12 **located on one lot, whether the two units are attached or detached.**

13 **d. The reduced side or rear yard provision does not apply to the primary**
14 **structure.**

15 **12. Yards Abutting an Alley. For accessory buildings and, accessory residential**
16 **units that are not attached to any other buildings and not more and 15 feet in**
17 **height, t**
18 **The side yard abutting an alley may be reduced to three feet and the rear**
19 **yard abutting an alley may be reduced to four feet. The reduced side or rear yard**
20 **provision does not apply to the primary structure.**

21 **23. Other Side and Rear Yards. For accessory buildings that are not attached to**
22 **any other building, are not more than 15 feet in height, and are erected more**
23 **than 50 feet from any street, t**
24 **The side or rear yard may be reduced to three feet,**
25 **except when said yard is abutting an alley as provided in subsection**
26 **18.2.5.060.B.42, above.**

27 **SECTION 7.** Section 18.2.5.070 [Maximum Permitted Residential Floor Area in Historic
28 District – Standards for Residential Zones] of the Ashland Land Use Ordinance is hereby
29 amended to read as follows:
30

31 **18.2.5.070 Maximum Permitted Residential Floor Area in Historic District**

32 **A. Purpose.** Section 18.2.5.070 regulates floor area of dwellings to promote compatible
33 building volume and scale in the Historic District.

34 **B. Applicability.** Within residential zones located in the Historic District Overlay, new
35 structures and additions shall conform to the maximum permitted floor area standards
36 of this section, except as provided by 18.2.5.070.C.

37 **C. Increases in Allowable MPFA.** A Conditional Use Permit under chapter 18.5.4 is
38 required to exceed the MPFA standards of subsections 18.2.5.070.F and
39 18.2.5.070.G, below. In addition to the approval criteria for a Conditional Use Permit,
40 the criteria for Historic District Design Standards approval must be met. In no case
shall the permitted floor area exceed 25 percent of the MPFA.

D. Maximum Permitted Floor Area. For purposes of this section, maximum permitted

Commented [mh5]: Allows existing provisions for reduced side and rear yard setbacks that apply to accessory buildings and ARUs to be applied to duplexes.

floor area (MPFA) means the gross floor area of ~~the primary~~ dwelling, including but not limited to potential living spaces within the structure with at least seven feet of head room and attached garages, except as provided by subsection 18.2.5.070.E, below.

E. Exceptions. Basements, detached garages, detached accessory structures, ~~and detached accessory residential units, and detached duplex dwelling units~~ are not counted in the gross floor area for the MPFA calculation if separated from the ~~primary dwellings~~ ~~single-family dwelling or primary structure~~ by six feet or more. Similarly, unenclosed breezeways, and similar open structures connecting an exempt detached structure to the ~~primary dwellings~~ ~~single-family dwelling or primary structure~~ are not counted in the MPFA calculation. The exception in this section may be applied to a single detached duplex unit but shall not be applied to both duplex units located on one lot, whether the two units are attached or detached.

Commented [mh6]: Includes a detached duplex unit in the exemption from Maximum Permitted Floor Area in the historic districts if separated by the single-family dwelling by 6 feet or more.

F. Calculation and Standards. Except as modified by subsection 18.2.5.070.G for multiple dwellings on a lot and residential subdivisions proposed under the performance standards option, the following formula shall be used to calculate the MPFA for ~~single family~~ ~~single-family~~ dwellings, provided however, that regardless of lot size, the MPFA shall not exceed 3,249 square feet:

$$\text{Lot area} \times \text{Adj. Factor [from Table 18.2.5.070(E)]} = \text{Adjusted lot area} \times 0.38 \text{ FAR} = \text{MPFA}$$

Table 18.2.5.070.E: Adjustment Factor Table

Lot Area	Adj. Factor	Lot Area	Adj. Factor	Lot Area	Adj. Factor	Lot Area	Adj. Factor
0 – 2500	1.20	6501 - 7000	0.88	11001 – 11500	0.66	15501 - 16000	0.55
2501 – 3000	1.16	7001 - 7500	0.85	11501 – 12000	0.64	16001 - 16500	0.54
3001 – 3500	1.12	7501 - 8000	0.82	12001 – 12500	0.62	16501 - 17000	0.53
3501 – 4000	1.08	8001 - 8500	0.79	12501 – 13000	0.61	17001 - 17500	0.52
4001 – 4500	1.04	8501 - 9000	0.77	13001 – 13500	0.60	17501 - 18000	0.51
4501 – 5000	1.00	9001 - 9500	0.75	13501 – 14000	0.59	18001 - 18500	0.50
5001 – 5500	0.97	9501 - 10000	0.73	14001 – 14500	0.58	18501 - 19000	0.49
5501 – 6000	0.94	10001 - 10500	0.71	14501 – 15000	0.57	19001 - 19500	0.48
6001 – 6500	0.91	10501 - 11000	0.68	15001 – 15500	0.56	19500 and greater	0.47

G. Multiple Dwellings and Residential Performance Standards Option. Where multiple dwellings are proposed on a single lot, or where a residential subdivision is proposed under the Performance Standards Option of chapter 18.3.9, the MPFA shall be determined using the following formula:

$$\text{Lot area} \times \text{Adj. Factor [from Table 18.2.5.070(E)]} = \text{Adjusted lot area} \times \text{Graduated FAR [from Table 18.2.5.070(F)]} = \text{MPFA}$$

Table 18.2.5.070.F: Graduated FAR Table

# units	FAR	# units	FAR	# units	FAR
1	.38	5	.46	9	.54
2	.40	6	.48	10	.56

3	.42	7	.50	11	.58
4	.44	8	.52	>11	.60

SECTION 8. 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 and duplexes 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 and section 18.2.3.110 for 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.

Commented [mh7]: Per new state requirements in HB 2001 and OAR 660 Division 46.

- 1 f. Where floodplains, streams, land drainages, wetlands, and/or steep slopes
2 exist upon the lot an exception to minimum density requirements may be
3 obtained to better meet the standards of chapter 18.3.10 Physical and
4 Environmental Constraints Overlay.
- 5 g. A lot that is nonconforming in minimum density may not move further out of
6 conformance with the minimum density standard. However, units may be
7 added to the lot which bring the lot closer to conformance without coming all
8 the way into conformance provided it is demonstrated that the minimum density
9 will not be precluded.

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

- 11 1. R-2 Zone. Base density for the R-2 zone shall meet the following standards:
- 12 a. Minimum lot area for one or two dwellings shall be 5,000 square feet,
13 except as allowed in section 18.2.3.040 for accessory residential units and
14 section 18.2.3.110 for duplexes.
- 15 ~~b. Minimum lot area for two units shall be 7,000 square feet.~~
- 16 ~~c.~~ b. Minimum lot area for three units shall be 9,000 square feet, except
17 that the residential density bonus in subsection 18.2.5.080.F, below, may be
18 used to increase density of lots greater than 8,000 square feet up to three
19 units.
- 20 ~~d.~~ c. For more than three units, the base density shall be 13.5 dwelling
21 units per acre. The permitted base density shall be increased by the
22 percentage gained through the residential density bonus is subsection
23 18.2.5.080.F.
- 24 2. R-3 Zone. Base density for the R-3 zone shall meet the following standards:
- 25 a. Minimum lot area for one or two unit shall be 5,000 square feet,
26 except as allowed in section 18.2.3.040 for accessory residential units and
27 section 18.2.3.110 for duplexes.
- 28 ~~b. Minimum lot area for two units shall be 6,500 square feet.~~
- 29 ~~c. Minimum lot area for three units shall be 8,000 square feet.~~
- 30 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.

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

F. Residential Density Bonus.

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

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 9. 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 10. Section 18.3.4.040 [Use Regulations – Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.040 Use Regulations

A. Plan Overlay Zones. There are four Land Use Designation Overlay 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~~ **single-family 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 dwellings~~ **single-family 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~~ **single-family 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~~ **single-family dwellings** ensure that the overall image and character of the ~~single dwellings~~ **single-family 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~~ **multifamily** housing within the context of the residential character of the Normal-Neighborhood Plan.

~~B. Normal Neighborhood Plan Residential Building Types. The development standards for the Normal Neighborhood Plan will preserve neighborhood character by incorporating four distinct land use overlay areas with different concentrations of varying housing types.~~

1. ~~Single Dwelling Residential Unit. A Single Dwelling Residential Unit is a detached residential building that contains a single dwelling with self-contained living facilities on one lot. It is separated from adjacent dwellings by private open space in the form of side yards and backyards, and set back~~

Commented [mh8]: Deleted because repeats dwelling definitions in 18.6.1.030.

1 from the public street or common green by a front yard. Auto parking is
2 generally on the same lot in a garage, carport, or uncovered area. The garage
3 may be detached or attached to the dwelling structure.

4 ~~2. **Accessory Residential Unit.** An Accessory Residential Unit is a secondary~~
5 ~~dwelling unit on a lot, either attached to the single-family dwelling or in a~~
6 ~~detached building located on the same lot with a single-family dwelling, and~~
7 ~~having an independent means of entry.~~

8 ~~3. **Double Dwelling Residential Unit (Duplex).** A Double Dwelling Residential~~
9 ~~Unit is a residential building that contains two dwellings located on a single~~
10 ~~lot, each with self-contained living facilities. Double Dwelling Residential~~
11 ~~Units Duplexes must share a common wall or a common floor/ceiling and are~~
12 ~~similar to a Single Dwelling Unit in appearance, height, massing, and lot~~
13 ~~placement.~~

14 ~~4. **Attached Residential Unit (Townhome, Row house).** An Attached Residential~~
15 ~~Unit is single dwelling located on an individual lot which is attached along~~
16 ~~one or both sidewalls to an adjacent dwelling unit. The dwelling unit may be~~
17 ~~set back from the public street or common green by a front yard.~~

18 ~~5. **Clustered Residential Units – Pedestrian-Oriented.** Pedestrian-Oriented~~
19 ~~Clustered Residential Units are multiple dwellings grouped around common~~
20 ~~open space that promote a scale and character compatible with single-family~~
21 ~~homes. Units are typically arranged around a central common green under~~
22 ~~communal ownership. Auto parking is generally grouped in a shared surface~~
23 ~~area or areas.~~

24 ~~6. **Multiple Dwelling Residential Unit.** Multiple Dwelling Residential Units are~~
25 ~~multiple dwellings that occupy a single building or multiple buildings on a~~
26 ~~single lot. Dwellings may take the form of condominiums or apartments.~~
27 ~~Auto parking is generally provided in a shared parking area or structured~~
28 ~~parking facility.~~

29 ~~7. **Cottage Housing.** Cottage Housing Units are small dwellings in~~
30 ~~developments approved in accordance with the standards in 18.2.3.090.~~

GB. Allowed Uses.

1. Uses Allowed in Normal Neighborhood District. Allowed uses include those that are permitted, permitted subject to special use standards, and allowed subject to a conditional use permit. Where Table 18.3.4.040 does not list a specific use and part 18.6 does not define the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of section 18.1.5.040 Similar Uses. All uses are subject to the development standards of zone in which they are located, any applicable overlay zone(s), and the review procedures of part 18.5. See section 18.5.1.020 Determination of Review Procedure.

a. *Permitted Uses.* Uses listed as "Permitted (P)" are allowed.

Commented [mh9]: Moved to definitions.

- b. *Permitted Subject to Special Use Standards.* Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to chapter 18.2.3 Special Use Standards.
 - c. *Conditional Uses.* Uses listed as "Conditional Use Permit Required (C)" are allowed subject to the requirements of chapter 18.5.4 Conditional Use Permits.
 - d. *Prohibited Uses.* Uses not listed in Table 18.3.4.040, and not found to be similar to an allowed use following the procedures of section 18.1.5.040 Similar Uses, are prohibited.
2. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.
 3. Mixed-Use. Uses allowed in a zone individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met.

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰		Normal Neighborhood District Zones ¹¹			
		NN-1-5	NN-1-3.5	NN-1-3.5-C	NN-2
A. Residential Uses					
Single Dwelling Residential Unit (Single-Family Dwelling)Single-family Dwelling		P	P	N	N
Accessory Residential Unit, see Sec. 18.2.3.040		P or S	P or S	P or S	N
Double Dwelling Residential Unit (Duplex Dwelling)Duplex		NP	P	P	P
Cottage Housing		P	N	N	N
Clustered Residential Units		N	P	P	P
Attached Residential Unit		N	P	P	P
Multiple Dwelling Residential Unit (Multi-family Dwelling)Multifamily Dwelling		N	P	P	P
Manufactured Home on Individual Lot		P	P	P	P
Manufactured Housing Development		N	P	P	P
B. Neighborhood Business and Service Uses					
Home Occupation		P	P	P	P
Retail Sales and Services, with each building limited to 3,500 square feet of gross floor area		N	N	P	N
Professional and Medical Offices, with each building limited to 3,500 square feet of gross floor area		N	N	P	N

Table 18.3.4.040 Normal Neighborhood District Uses Allowed by Zone ¹⁰	Normal Neighborhood District Zones ¹¹			
Light manufacturing or assembly of items occupying six hundred (600) square feet or less, and contiguous to the permitted retail use.	N	N	P	N
Restaurants	N	N	P	N
Day Care Center	N	N	P	N
Assisted Living Facilities	N	C	C	C
C. Residential Uses				
Religious Institutions and Houses of Worship	C	C	C	C
Public Buildings	P	P	P	P
Community Gardens	P	P	P	P
Open space and Recreational Facilities	P	P	P	P

P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; N = Not Allowed.

SECTION 11. Section 18.3.4.050 [Dimensional Regulations – Normal Neighborhood District] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.4.050 Dimensional Regulations

A. The lot and building dimensions shall conform to the standards in Table 18.3.4.050 below.

Table 18.3.4.050 Dimensional Standards	NN-1-5	NN-1-3.5 NN-1-3.5C	NN-2
Base density, dwelling units per acre	4.5	7.2	13.5
Minimum Lot Area ¹ , square feet (applies to lots created by partitions only)	5,000	3500	3000
Minimum Lot Depth ¹ , feet (applies to lots created by partitions only)	80	80	80
Minimum Lot Width ¹ , feet (applies to lots created by partitions only)	50	35	25
Setbacks and yards (feet)			
Minimum Front Yard abutting a street	15	15	15
Minimum Front Yard to a garage facing a public street, feet	20	20	20
Minimum Front Yard to unenclosed front porch, feet	8 ²	8 ²	8 ²

Minimum Side Yard	6	6 0 ³	6 0 ³
Minimum Side Yard abutting a public street	10	10	10
Minimum Rear Yard	10 ft per Bldg Story, 5 feet per Half Story		
Solar Access	Setback and yard requirements shall conform to the Solar Access standards of chapter 18.4.8		
Maximum Building Height, feet / stories	35 / 2.5	35 / 2.5	35 / 2.5
Maximum Lot Coverage, percentage of lot	50%	55%	65%
Minimum Required Landscaping, percentage of lot	50%	45%	35%
Parking	See section 18.4.3.080 Vehicle Area Design Requirements		
Minimum Outdoor Recreation Space,	na	na	8%

¹ Minimum Lot Area, Depth, and Width requirements do not apply in performance standards subdivisions.

² Minimum Front Yard to an unenclosed front porch (Feet), or the width of any existing public utility easement, whichever is greater; an unenclosed porch must be no less than 6 feet in depth and 8 feet in width, see section 18.6.1.030 for definition of porch.

³ Minimum Side Yard for Attached Residential Units (Feet)

B. Density Standards. Development density in the Normal Neighborhood shall not exceed the densities established by Table 18.3.4.050, except where granted a density bonus under chapter 18.3.9. Performance Standards Options and consistent with the following requirements:

1. General Density Provisions.

- a. The density in NN-1-5, NN-1-3.5, NN-1-3.5-C, and NN-2 zones is to be computed by dividing the total number of dwelling units by the acreage of the project, including land dedicated to the public.
- b. Conservation Areas including wetlands, floodplain corridor lands, and water resource protection zones may be excluded from the acreage of the project for the purposes of calculating minimum density for residential annexations as described in section 18.5.8.050.F.
- c. Units less than 500 square feet of gross habitable area shall count as 0.75 units for the purposes of density calculations.

~~**d. Accessory residential units consistent with standards described in section 18.2.3.040 are not required to meet density or minimum lot area requirements.**~~

~~**e. Accessory residential units shall be included for the purposes of meeting minimum density calculation requirements for residential annexations as described in 18.5.8.050.F.**~~

Commented [mh10]: Moved to 18.2.3.040.

2. Residential Density Bonuses.

- a. The maximum residential density bonuses permitted shall be as described in section 18.2.5.080.F.

~~b. Cottage Housing. [Reserved]~~

SECTION 11. Section 18.3.5.050 [Uses Allowed in North Mountain Neighborhood Zones – North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.050 Allowed Uses

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

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

B. Uses Regulated by Overlay Zones. Notwithstanding the provisions of chapter 18.2.2 Base Zones, additional land use standards or use restrictions apply within overlay zones. An overlay zone may also provide for exceptions to some standards of the underlying zone.

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

Table 18.3.5.050 – North Mountain Neighborhood Uses Allowed by Zone ¹						
North Mountain Neighborhood Zones ²						
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C	NM-Civic	
A. Residential						
Residential Uses, subject to density requirements in Table 18.3.5.060	P	P	P	P	N	
Accessory Residential Units, see Sec. 18.2.3.040	<u>P or S</u>	<u>P or S</u>	<u>P or S</u>	<u>PS</u>	N	
Cottage Housing	S	S	N	N	N	
Duplexes see Sec. 18.2.3.110	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	
Home Occupations	P	P	P	P	N	
Agricultural Uses, except Keeping of Livestock	P	P	P	P	S	
Keeping of Micro-Livestock and Bees	S	S	S	N	S	
Keeping of Livestock	N	N	N	N	N	
Marijuana Cultivation, Homegrown	S	S	S	S	N	
B. Public and Institutional Uses						
Community Services	N	S	N	S	P	
Parks and Open Spaces	P	P	P	P	P	
Public Parking Lots	N	N	N	CU	N	
Religious Institution, Houses of Worship	N	N	N	S	N	
Utility and Service Building, Public and Quasi-Public, excluding outdoor storage and electrical substations	N	N	N	S	N	
C. Commercial						
Neighborhood Clinics	N	N	N	S	N	
Neighborhood Oriented Retail Sales, Services, and Restaurants	N	N	N	S	N	
Offices, Professional	N	N	N	S	N	
Temporary uses	N	N	N	CU	N	
D. Industrial						
Manufacturing, Light	N	N	N	S	N	

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

² Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

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

² Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

- 1 **D. Special Use Standards.** The uses listed as “Permitted with Special Use Standards
2 (S)” in Table 18.3.5.050, above, are allowed provided they conform to the
3 requirements of this section and the requirements of chapter 18.5.2 Site Design
4 Review.
- 5 1. Accessory Residential Units. Subject to the standards in section 18.2.3.040.
 - 6 2. Agricultural Uses. In the NM-Civic zone, agriculture may include community garden
7 space.
 - 8 3. Keeping of Micro-Livestock and Bees. Subject to the standards in section
9 18.2.3.160.
 - 10 4. Marijuana Cultivation, Homegrown. Subject to the standards in subsection
11 18.2.3.190.A.
 - 12 5. Community Services.
 - 13 a. In the NM-R-1-5 zone, each building may be up to a maximum of 2,500 square
14 feet of gross floor area.
 - 15 b. In the NM-C zone, each building may be up to a maximum of 3,500 square feet
16 of gross floor area.
 - 17 6. Manufacturing, Light.
 - 18 a. The light manufacturing use shall occupy 600 square feet or less.
 - 19 b. The light manufacturing use shall be contiguous to the permitted retail outlet
20 that operates in conjunction with and sells the manufactured items produced by
21 the light manufacturing use.
 - 22 7. Neighborhood Clinics. Each building may be up to a maximum of 3,500 square feet
23 of gross floor area.
 - 24 8. Neighborhood Oriented Retail Sales, Services, and Restaurants. Each building
25 may be up to a maximum of 3,500 square feet of gross floor area.
 - 26 9. Offices, Professional. Each building may be up to a maximum of 3,500 square feet
27 of gross floor area.
 - 28 10. Religious Institution, Houses of Worship. The same use cannot be located on a
29 contiguous property, and there must be no more than two such uses in a given
30 zone.
 11. Utility and Service Building, Public and Quasi-Public. Each building may be up to a
maximum of 3,500 square feet of gross floor area.
 12. Cottage Housing. Subject to the standards in section 18.2.3.090.
 - 13. Duplexes. Subject to the standards in section 18.2.3.110.**

SECTION 12. Section 18.3.5.060 [Dimensional Standards – North Mountain
Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.060 Dimensional Standards

Table 18.3.5.060 contains lot and development standards, including density, minimum dimensions, area, coverage, structure height and other provisions that control the intensity, scale, and location of development for the NM-R-1-7.5, NM-R-1-5, NM-MF, and NM-C.

Table 18.3.5.060 North Mountain Neighborhood Dimensional Standards				
	North Mountain Neighborhood Zones ¹			
	NM-R-1-7.5	NM-R-1-5	NM-MF	NM-C
Residential Density (dwelling units/acre) ¹	3.6 du/ac	5 du/ac	12 du/ac	20 du/ac
¹ Density is 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 answer shall not apply towards the total density, except that units less than 500 square feet gross habitable floor area shall count as .75 units in the NM-MF and NM-C zones. Accessory residential units and duplexes are not subject to the density requirements of the zone in the NM-R-1-7.5 and NM-R-1-5 zones, <u>see sections 18.2.3.040 and 18.2.3.110.</u>				
Standard Yards – Minimum (feet)				
Front – Standard	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	10 ft minimum/ 25 ft maximum	No minimum yard requirements, except as required for parking, landscaping and building design requirements in chapters <u>18.4.2</u> , <u>18.4.3</u> , and <u>18.4.4</u> .
Front – Unenclosed Porch	5 ft	5 ft	5 ft	
Front – - Garage ²	15 ft from building face / 20 ft from sidewalk	15 ft from building face / 20 ft from sidewalk	15 ft from building face / 20 ft from sidewalk	
Side – Standard ³	5 ft per building story	5 ft per building story	5 ft per building story	
Side – Adjacent to Street	10 ft	10 ft	10 ft	
Side – Single-Story, Detached Garage and Accessory Buildings ⁴	3 ft	3 ft	3 ft	
Rear – Standard	10 ft per building story	10 ft per building story	10 ft per building story	
Rear – Upper Floor Dormer Space	15 ft	15 ft	15 ft	
Rear - Single-Story, Detached Garage and Accessory Buildings Adjacent to Alley	4 ft	4 ft	4 ft	
Rear – Two-Story Accessory <u>Buildings</u> Adjacent to Alley	4 ft	4 ft	4 ft	
² No greater than 50 percent of the total lineal building façade facing the street can consist of garage, carport, or other covered parking space.				
³ No additional side yard is required for half-stories and upper floor dormer space.				
⁴ No side yard is required for accessory buildings sharing a common wall.				
Solar Access	Solar access setback required pursuant to chapter 18.4.8 Solar Access.			No solar access setback required.
Lot Coverage – Maximum (% of lot area)	45%	50%	75%	80%

¹ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

¹ Zones: NC = Neighborhood Commercial; MU = Mixed Use; OE = Office Employment; CI = Compatible Industrial; OS = Open Space.

SECTION 13. Section 18.3.5.100 [Site Development and Design Standards – North Mountain Neighborhood] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.5.100 Site Development and Design Standards

A. Housing. The following design standards apply to residential developments. While the standards are specific, the intent is not to limit innovative design, but rather provide a framework for clear direction and minimum standards.

1. Architectural Design. The street-facing elevations of residential buildings shall be broken with reveals, recesses, trim elements, and other architectural features to avoid the appearance of a blank wall as illustrated in Figure 18.3.5.100.A.1. In addition, at least two of the following design features must be provided along the front of each residence.
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas
 - f. Pillars or Posts
 - g. Bay window (min. 12-inch projection)
 - h. Eaves (min. six-inch projection)
 - i. Off-sets in building face or roof (min. 16 inches)



**Figure 18.3.5.100.A.1
Architectural Design**

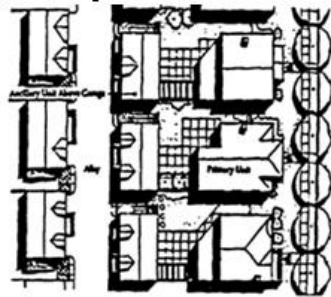
2. Orientation. Dwellings shall be designed with a primary elevation oriented towards a street. Such elevation shall have a front door, framed by a simple porch or

1 portico, porch, or other design feature clearly visible from the street to promote
2 natural surveillance of the street as illustrated in Figure 18.3.5.100.A.2.



9 **Figure 18.3.5.100.A.2**
10 **Orientation**

- 11 3. Repetitive Elevations. Excessive repetition of identical floor plans and elevations
12 shall be discouraged. See Figure 18.3.5.100.A.3.a and Figure 18.3.5.100.A.3.b.



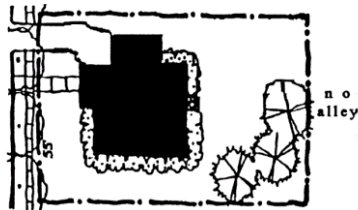
19 **Figure 18.3.5.100.A.3.a**
20 **Varied Floor Plans**



Figure 18.3.5.100.A.3.b
Varied Elevations

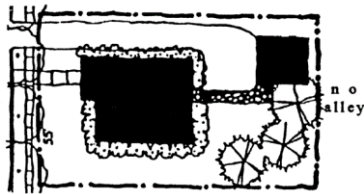
1 4. Supplemental Setback Requirements for Garages and Accessory Structures. In
2 addition to the setback requirements of sections 18.3.5.060, the following garage
3 and accessory structure setbacks are required, in order to promote an attractive
4 streetscape where garages and accessory structures are visually subordinate to
5 primary dwellings single-family dwellings or primary structures.

- 6 a. Where no alleys are present, garages shall be located a minimum of 15 feet
7 behind the primary façade and a minimum of 20 feet from the sidewalk. See
8 Figure 18.3.5.100.A.4.a.



12 **Figure 18.3.5.100.A.4.a**
13 **Garage Setbacks/No Alley**

- 14 b. Garages and accessory structures adjacent to an internal property line (i.e.,
15 neighbor's residence) shall maintain a minimum first floor side yard setback of
16 four feet and a second floor setback of six feet, excluding dormers. See Figure
17 18.3.5.100.A.4.b.



22 **Figure 18.3.5.100.A.4.b**
23 **Garage Setbacks/No Alley**

- 24 c. No side yard setback is required where garages adjoin along a common
25 property line.
26 d. Garage or accessory structures, including accessory residential units, fronting
27 and or accessed from the alley shall have a minimum rear yard setback of four
28 feet. See Figure 18.3.5.100.A.4.d.
29
30

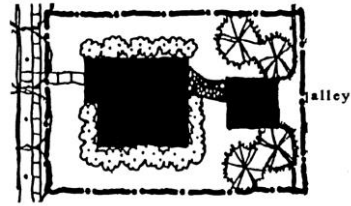


Figure 18.3.5.100.A.4.d
Garage Setbacks/Alley

- e. The maximum allowed width of a garage opening is 22 feet. Expansion of the garage's depth is allowed should be considered for additional storage needs.
 - f. Common wall garages (i.e., adjacent garage openings), and dwellings with more than one garage openings, where the total width of adjacent garage openings exceeds 22 feet, shall have at least one garage opening recessed behind the other(s) by not less than three feet.
5. Terracing. Grading for new homes and accessory structures shall be minimized and building designs shall respond to the natural grade, to the extent practicable, pursuant to the following standards.
- a. Terracing should be incorporated into the design of each lot's development, as illustrated in Figure 18.3.5.100.A.5.a. Terraces help ease transition between the public and private space.

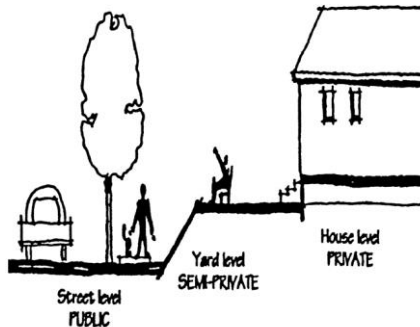


Figure 18.3.5.100.A.5.a
Terraces

- b. In determining whether grading is minimized and building designs are practicable, this standard shall not be interpreted so as to preclude permitted housing at planned densities.
6. Porches. Where practicable, porches shall be incorporated into building designs within the North Mountain Neighborhood, in order to promote a sense of place, socialization, and natural surveillance of the street, as illustrated in Figure 18.3.5.100.A.6.a. Porches shall be a minimum of six feet in depth and eight feet in

width, as illustrated in Figure 18.3.5.100.A.6.b - deep enough to allow a person to stand while the door is opening and large enough to allow at least one person to sit facing the street. Porches with dimensions less than six feet in depth and eight feet in width are often used as storage areas for bike, barbecues, etc., and do not realistically function as outdoor rooms.



Figure 18.3.5.100.A.6.a
Street with Front Porches

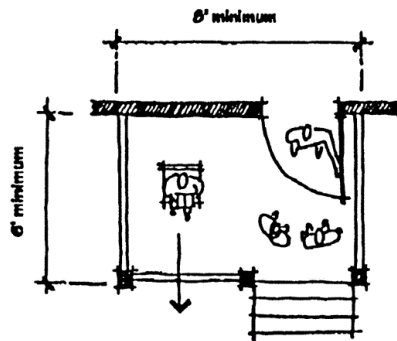


Figure 18.3.5.100.A.6.b
Porch Dimensions

7. Driveways. In order to minimize impervious surfaces, increase opportunities for on-street parking and street trees, and provide a visually attractive streetscape that comfortably accommodates pedestrians, driveways for single dwellingsone dwelling and duplexes shall be no greater than nine feet wide, measured at the sidewalk. Where no alley is present and garages for multiple dwellings share a common wall (e.g., townhomes), a common driveway 12 feet in width may be used but shall serve as a shared drive for paired garages. See Figure 18.3.5.100.A.7.



Figure 18.3.5.100.A.7
Benefits of Narrow Driveways on Streetscape

8. Accessory Residential Units. When a detached accessory dwelling unit is adjacent to a residential property, the unit shall meet the following standards. See Figure 18.3.5.100.A.8.

- a. Incorporate considerate design and placement into the development of accessory residential units.
- b. A visual buffer shall be provided using window placement, a sight obscuring fence and/or vegetation.
- c. Within five feet of a side property line, the second floor area of the unit shall be staggered and step-back an additional five feet or contain other detailing, in order to break up the mass of the building. With the addition of a dormer, this standard can be met without the step-back or reduced floor area.



Figure 18.3.5.100.A.8
Accessory Residential Units Along Alley
(delete graphic above)

Commented [mh11]: If ARUs are approved through the building permit process, discretionary standards cannot be included. In addition, potentially conflicts with ORS 197.304(4) requirement that "a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing..."

SECTION 14. Section 18.3.9.050 [Performance Standards for Residential Developments – Performance Standards Option and PSO Overlay] of the Ashland Land Use Ordinance is hereby amended to read 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 and duplexes are not required to meet the density requirements of this chapter in accordance with sections 18.2.3.040 and 18.2.3.110.

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 Development Density. ~~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. Cottage housing developments are not eligible for density bonuses pursuant to subsection 18.3.9.050.B.~~
 - a. Density Calculation. The maximum permitted number of dwellings and minimum lot areas for cottage housing developments allowed under this section is provided in Table 18.3.9.050.A.2.a. Cottage housing developments are not eligible for density bonuses pursuant to subsection 18.3.9.050.B.

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

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 18.3.9.050.A.2.a, above.

3. Common Open Space Required. All developments subject to this section with a base density of ten units or greater shall be required to provide common open space pursuant to section 18.4.4.070.

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 a Earth Advantage home, as approved by the Ashland Conservation Division under the City's Earth Advantage program as adopted by resolution 2006-06.
2. 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. 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 use or enjoy the common open space on a day-to-day basis.
 - 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 any common 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.

3. 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 15. Section 18.3.12.060 [Pedestrian Place Overlay – Site Development and Design Overlays] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.3.12.060 Pedestrian Place Overlay

A. Purpose. The Pedestrian Place overlay is intended to direct and encourage development of small walkable nodes that provide concentrations of gathering places, housing, businesses, and pedestrian amenities situated and designed in a way to encourage walking, bicycling, and transit use.

B. Applicability

1. This section applies to properties designated as Pedestrian Places overlay on the Site Design Zones map.

2. Review Procedure. The Pedestrian Place overlay requirements apply to proposed development located in the Pedestrian Place overlay that requires a planning application approval, and involves development of new structures or additions other than single-family dwellings, accessory residential units, duplexes, and other associated accessory structures and uses. The provisions of the Pedestrian Place overlay supplement those of the applicable base zoning district and other applicable ordinance requirements.

3. Mixed-Use Buildings in Residential Zones. Mixed-use buildings located in an underlying residential zone require Site Design Review approval in accordance with chapter 18.5.2, and are subject to the standards subsection 18.4.2.040.B Basic Site Review Standards rather than section 18.4.2.030 Residential Development. Mixed-use buildings are subject to all other applicable provisions of part 18.4 Site Development and Design Standards.

4. The Pedestrian Places overlay and development standards do not apply to properties electing to develop under the Transit Triangle (TT) overlay option. See chapter 18.3.14 Transit Triangle Overlay.

C. Pedestrian Place Concept Plans. The Pedestrian Place Concept plans (i.e., site plan, development summary, and building illustrations) are for the purpose of providing an example of development that conforms to the standards, and do not constitute independent approval criteria. Concept plans are attached to the end of this chapter.

D. Development Standards. The following standards shall apply to development in the Pedestrian Places overlay in addition to all applicable provisions of this ordinance.

Commented [mh12]: Excludes ARUs and duplexes from Pedestrian Places Overlay requirements, along with single-family dwellings.

- 1 1. Building Setbacks. The solar access setback in chapter 18.4.8 Solar Access
2 applies only to those lots abutting a residential zone to the north.
- 3 2. Plazas and Landscaping Ratio. Outdoor seating areas, plazas, and other useable
4 paved surfaces may be applied toward meeting the landscaping area requirements
5 in chapter 18.4.4 Landscaping, Lighting, and Screening, but shall not constitute
6 more than 50 percent of the required area.
- 7 **E. Development in Residential Zone.** The following standards apply to development
8 located in the Pedestrian Places overlay and a residential zone, in addition to all
9 applicable provisions of this ordinance.
- 10 1. Special Permitted Uses. In addition to the permitted uses in the underlying
11 residential zone, the following uses and their accessory uses are permitted subject
12 to the requirements of this section.
- 13 a. Professional, financial, business and medical offices, and personal service
14 establishments.
- 15 b. Stores, shops, and offices supplying commodities or performing services.
- 16 c. Restaurants.
- 17 2. Development Standards and Limitations.
- 18 a. The maximum gross floor area occupied by a special permitted use shall be
19 2,500 square feet.
- 20 b. Special permitted uses shall be allowed in a building or in a group of buildings
21 including a mixture of businesses and housing. At least 50 percent of the total
22 gross floor area of a building, or of where there is more than one building on a
23 site, 50 percent of the total lot area including accessory uses such as parking,
24 landscaping and public space, shall be designated for residential uses.
- 25 c. The development shall meet the minimum housing density requirements of the
26 underlying zone.
- 27 d. Mixed-use buildings shall be setback not more than five feet from a public
28 sidewalk unless the area is used for pedestrian activities such as plazas or
29 outside eating areas, or for a required public utility easement.
- 30 e. Mixed-use developments shall have a minimum Floor Area Ratio (FAR) of .50.
Plazas and pedestrian areas shall count as floor area for the purposes of
meeting the minimum FAR. Projects including existing buildings or vacant
parcels of a half an acre or greater in size shall achieve the required minimum
FAR or provide a shadow plan (see graphic) that demonstrates how
development may be intensified over time to meet the required minimum FAR.
- SECTION 16.** Section 18.4.2.030 [Residential Development – Building Placement,
Orientation, and Design] of the Ashland Land Use Ordinance is hereby amended to read as
follows:

1 **18.4.2.030 Residential Development**

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

7 **1. Crime Prevention and Defensible Space.**

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

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

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

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

Commented [mh13]: Site Design Standards are no longer applicable if ARUs do not require a planning application for Site Design Review.

- 1 1. Building Orientation to Street. Dwelling units shall have their primary orientation
2 toward a street. Where residential buildings are located within 20 feet of a street,
3 they shall have a primary entrance opening toward the street and connected to the
4 right-of-way via an approved walkway.
- 5 2. Limitation on Parking Between Primary Entrance and Street. Automobile circulation
6 or off-street parking is not allowed between the building and the street. Parking
7 areas shall be located behind buildings, or on one or both sides.
- 8 3. Build-to Line. Where a new building is proposed in a zone that requires a build-to
9 line or maximum front setback yard, except as otherwise required for clear vision at
10 intersections, the building shall comply with the build-to line standard.
- 11 **D. Garages.** The following standards apply to garages, carports, canopies, and other
12 permanent and temporary structures used for parking or storing vehicles, including
13 those parking and vehicle storage structures accessory to detached single-family
14 dwellings. The standards are intended to balance residents' desire for a convenient,
15 safe, and private vehicle access to their homes with the public interest in maintaining
16 safe and aesthetically pleasing streetscapes. The standards therefore promote
17 pedestrian safety and visibility of public ways, while addressing aesthetic concerns
18 associated with street-facing garages. For the purpose of this subsection, a garage
19 opening is considered to be facing a street where the opening is parallel to or within 45
20 degrees of the street right-of-way line.
- 21 1. Alleys and Shared Drives. Where a lot abuts a rear or side alley, or a shared
22 driveway, including flag drives, the garage or carport opening(s) for that dwelling
23 shall orient to the alley or shared drive, as applicable, and not a street.
- 24 2. Setback for Garage Opening Facing Street. The minimum setback for a garage (or
25 carport) opening facing a street is 20 feet. This provision does not apply to alleys.
- 26 **E. Building Materials.** Building materials and paint colors should be compatible with the
27 surrounding area. Very bright primary or neon-type paint colors, which attract attention
28 to the building or use, are unacceptable.
- 29 **F. Streetscape.** One street tree chosen from the street tree list shall be placed for each
30 30 feet of frontage for that portion of the development fronting the street pursuant to
subsection 18.4.4.030.E.
- G. Landscaping and Recycle/Refuse Disposal Areas.** Landscaping and recycle/refuse
disposal areas shall be provided pursuant to chapter 18.4.4.
- H. Open Space.** Common and/or private open space are required to be provided
pursuant to section 18.4.4.070.

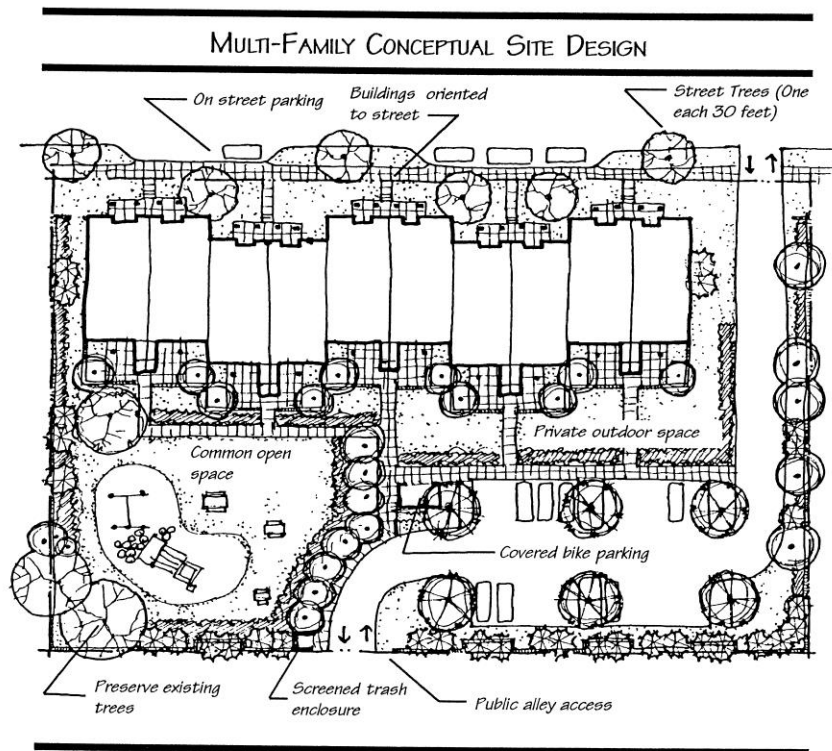


Figure 18.4.2.030
Multi-Family Conceptual Site Design

SECTION 17. 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. **Fractional spaces shall be rounded up to the next whole number.** See also, accessible parking space requirements in section 18.4.3.050.

Commented [mh14]: Existing language from table below.

Table 18.4.3.040 – Automobile Parking Spaces by Use	
Use Categories	Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractions fractional spaces are rounded up to next whole number.)
Residential Categories	
Single-family Dwelling	2 spaces for detached dwelling units and the following <u>for</u> attached dwelling units. <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units --1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit.
Accessory Residential Units	<p>a. Units less than 800 sq. ft. -- 1 space/unit, except as exempted in subsection 18.2.3.040.A.</p> <p>b. Units greater than 800 sq. ft. and up to 1,000 sq. ft. -- 2.00 spaces/unit.</p> <p>No additional parking spaces required.</p>
Duplex	2 spaces per duplex.
Multi-family Multifamily Dwellings	<ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft. -- 1 space/unit. b. 1-bedroom units 500 sq. ft. or larger -- 1.50 spaces/unit. c. 2-bedroom units -- 1.75 spaces/unit. d. 3-bedroom or greater units -- 2.00 spaces/unit. e. Retirement complexes for seniors 55-years or greater -- One space per unit. f. Transit Triangle (TT) overlay option developments, see chapter 18.3.14.
Cottage Housing	<ul style="list-style-type: none"> a. Units less than 800 sq. ft. -- 1 space/unit. b. Units greater than 800 sq. ft. and less than 1000 sq. ft. -- 1.5 spaces/unit. c. Units greater than 1000 sq. ft. -- 2.00 spaces/unit. d. Retirement complexes for seniors 55-years or greater -- One space per unit.
Manufactured Housing	Parking for Manufactured Home on Single-Family Lot manufactured home on a single-family lot is same as Single Family Single-family Dwelling; for Manufactured Housing Developments, see sections 18.2.3.170 and 18.2.3.180.
Performance Standards Developments	See chapter 18.3.9.

Commented [mh15]: Per new state requirements in HB 2001.

Commented [mh16]: Per new state requirements in HB 2001.

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractions <u>fractional spaces</u> are rounded <u>up</u> to next <u>whole</u> number.)
Commercial Categories	
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.
Industrial Categories	
Industrial, Manufacturing and Production, Warehousing and Freight	1 space per 1,000 sq. ft. of gross floor area, or 1 space for each 2 employees whichever is less, plus 1 space per company vehicle.
Institutional and Public Categories	
Aircraft Hangar - Ashland Municipal Airport	One space per hangar or one space per four aircraft occupying a hangar, whichever is greater. Parking spaces shall be provided within the hangar or within designated vehicle parking areas identified in the adopted Ashland Municipal Airport Master Plan.
Clubs, Fraternity and Sorority Houses; Rooming and Boarding Houses; Dormitories	2 spaces for each 3 guest rooms; in dormitories, 100 sq. ft. shall be equivalent to a guest room.
Daycare	1 space per two employees; a minimum of 2 spaces is required.
Golf Courses	Regular: 8 spaces per hole, plus additional spaces for auxiliary uses. Miniature: 4 spaces per hole.
Hospital	2 space per patient bed.
Nursing and Convalescent Homes	1 space per 3 patient beds.
Public Assembly	1 space per 4 seats

Table 18.4.3.040 – Automobile Parking Spaces by Use

Use Categories	Minimum Number of Parking Spaces per Land Use (Based on Gross Floor Area; fractions <u>fractional spaces</u> are rounded <u>up</u> to next <u>whole</u> number.)
Religious Institutions and Houses of Worship	1 space per 4 seats.
Rest Homes, Homes for the Aged, or Assisted Living	1 space per 2 patient beds or 1 space per apartment unit.
Schools	Elementary and Junior High: 1.5 spaces per classroom, or 1 space per 75 sq. ft. of public assembly area, whichever is greater High Schools: 1.5 spaces per classroom, plus 1 space per 10 students the school is designed to accommodate; or the requirements for public assembly area, whichever is greater Colleges, Universities and Trade Schools: 1.5 spaces per classroom, plus 1 space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Other Categories	
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City decision-making body may reduce or waive certain development and designs standards for temporary uses.

SECTION 18. Section 18.4.3.060 [Parking Management Strategies – Vehicle Area Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.3.060 Parking Management Strategies

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

A. On-Street Parking Credit. Credit for on-street parking spaces may reduce the required off-street parking spaces up to 50 percent, as follows.

1. Credit. One off-street parking space credit for one on-street parking space meeting the standards of subsections 2-4, below. See Figure 18.4.3.060.A.1.

Commented [mh17]: For consistency with parking requirement for detached single-family dwelling in Table 18.4.3.040, above.

Commented [mh18]: Cities have the option to allow duplexes to use on-street parking credits towards the two spaces that are required. This change would prohibit the use of on-street credits for duplexes.

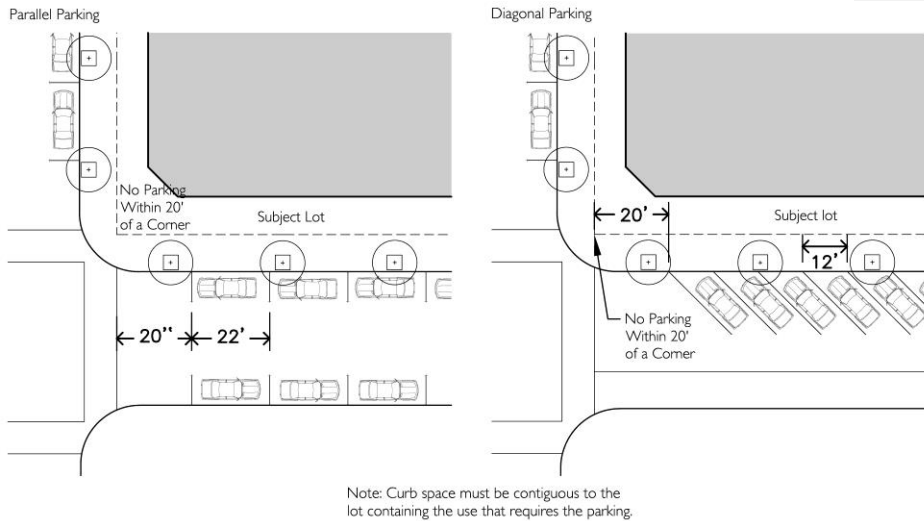


Figure 18.4.3.060.A.1
On-Street Parking Credit

2. Dimensions. On-street parking shall follow the established configuration of existing on-street parking, except that 45-degree diagonal parking may be allowed with the approval of the Public Works Director, taking into account traffic flows and street design, with the parking spaces designed in accord with the standards on file with the Public Works Department.
 - a. Parallel parking, each 22 feet of uninterrupted curb.
 - b. 45-degree diagonal, each 12 feet of uninterrupted curb.
3. Location.
 - a. Curb space must be contiguous to the lot containing the use that requires the parking.
 - b. Parking spaces may not be counted that are within 20 feet measured along the curb of any corner or intersection of an alley or street, nor any other parking configuration that violates any law or standard of the City or State.
 - c. Parking spaces located on arterials and collectors may only receive credit if the arterial or collector is greater in width than the minimums established by the street standards in section 18.4.6.040.
 - d. Parking spaces may not be counted that are within 200 feet of a C-1-D or SOU zone.
 - e. Parking spaces may not be counted that are required as on-street parking in

- 1 accordance with section 18.3.9.060 in a development under the Performance
2 Standards Option.
- 3 4. Availability. On-street parking spaces credited for a specific use shall not be used
4 exclusively by that use, but shall be available for general public use at all times. No
5 signage or actions limiting general public use of on-street spaces shall be
6 permitted.
- 7 **B. Alternative Vehicle Parking.** Alternative vehicle parking facilities may reduce the
8 required off-street parking spaces up to 25 percent, as follows.
- 9 1. Motorcycle or scooter parking. One off-street parking space credit for four
10 motorcycle or scooter parking spaces.
- 11 2. Bicycle parking. One off-street parking space credit for five additional, non-required
12 bicycle parking spaces.
- 13 3. Microcar parking. One off-street parking space credit for two microcar parking
14 spaces. Microcar spaces shall be designed so that one full size automobile can
15 use two microcar spaces, and the microcar spaces shall not be limited in use by
16 hours or type of vehicle through signage or other legal instrument.
- 17 **C. Mixed Uses.** In the event that several users occupy a single structure or parcel of
18 land, the total requirements for off-street automobile parking shall be the sum of the
19 requirements for the several uses computed separately unless it can be shown that the
20 peak parking demands are offset, in which case the mixed-use credit may reduce the
21 off-street parking requirement by a percentage equal to the reduced parking demand.
22 A mixed-use parking credit may reduce the required off-street parking spaces up to 50
23 percent.
- 24 **D. Joint Use of Facilities.** Required parking facilities of two or more uses, structures, or
25 parcels of land may be satisfied by the same parking facilities used jointly, to the
26 extent that it can be shown by the owners or operators that the need for the facilities
27 does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and
28 provided that such right of joint use is evidenced by a deed, lease, contract, or similar
29 written instrument establishing such joint use. Jointly-used parking facilities may
30 reduce the required off-street parking spaces up to 50 percent.
- E. Off-Site Shared Parking.** One off-street parking space credit for every one parking
space constructed in designated off-site shared parking areas, or through payment of
in-lieu-of-parking fees for a common parking. Off-site shared parking facilities may
reduce the required off-street parking spaces up to 100 percent.
- F. TDM Plan Credit.** Through implementation of an individual Transportation Demand
Management (TDM) plan that demonstrates a reduction of long-term parking demand
by a percentage equal to the credit requested. A TDM plan may reduce the required
off-street parking spaces up to 50 percent.
- G. Transit Facilities Credit.** Sites where at least 20 spaces are required and where at
least one lot line abuts a street with transit service may substitute transit-supportive
plazas as follows. A Transit Facilities Credit may reduce the required off-street parking
spaces up to 50 percent.

1. Pedestrian and transit supportive plazas may be substituted for up to ten percent of the required parking spaces on-site.
2. A street with transit service shall have a minimum of 30-minute peak period transit service frequency.
3. Existing parking areas may be converted to take advantage of these provisions.
4. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop.
5. The plaza must be at least 300 square feet in area and be shaped so that a ten-foot by ten-foot (10 feet X 10 feet) square will fit entirely in the plaza.
6. The plaza must include all of the following elements.
 - a. A plaza that is open to the public. The owner must record a public access easement that allows public access to the plaza.
 - b. A bench or other sitting area with at least five linear feet of seating.
 - c. A shelter or other weather protection. The shelter must cover at least 20 square feet and the plaza must be landscaped. This landscaping is in addition to any other landscaping or screening required for parking areas by this ordinance.

SECTION 19. Section 18.4.3.080 [Parking Ratios – Vehicle Area Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

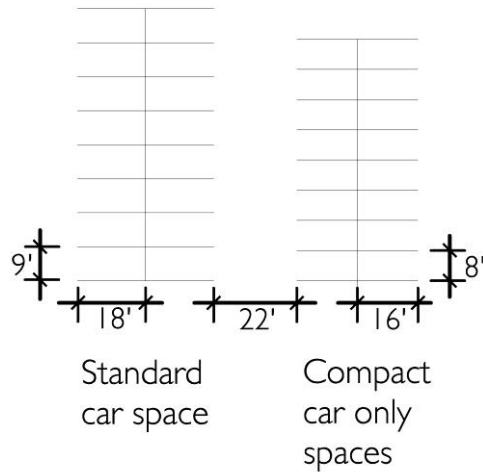
18.4.3.080 Vehicle Area Design

A. Parking Location

1. Except for single-family dwellings and ~~two-family dwellings~~ duplexes, required automobile parking facilities may be located on another parcel of land, provided said parcel is within 200 feet of the use it is intended to serve. The distance from the parking lot to the use shall be measured in walking distance from the nearest parking space to an access to the building housing the use, along a sidewalk or other pedestrian path separated from street traffic. Such right to use the off-site parking must be evidenced by a deed, lease, easement, or similar written instrument establishing such use, for the duration of the use.
2. Except as allowed in the subsection below, automobile parking shall not be located in a required front and side yard setback area abutting a public street, except alleys.
3. In all residential zones, off-street parking in a front yard for all vehicles, including trailers and recreational vehicles is limited to a contiguous area no more than 25 percent of the area of the front yard, or a contiguous area 25 feet wide and the depth of the front yard, whichever is greater. Since parking in violation of this section is occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the nonconforming use sections of this ordinance.

B. Parking Area Design. Required parking areas shall be designed in accordance with the following standards and dimensions as illustrated in 18.4.3.080.B. See also, accessible parking space requirements in section 18.4.3.050 and parking lot and screening standards in subsection 18.4.4.030.F.

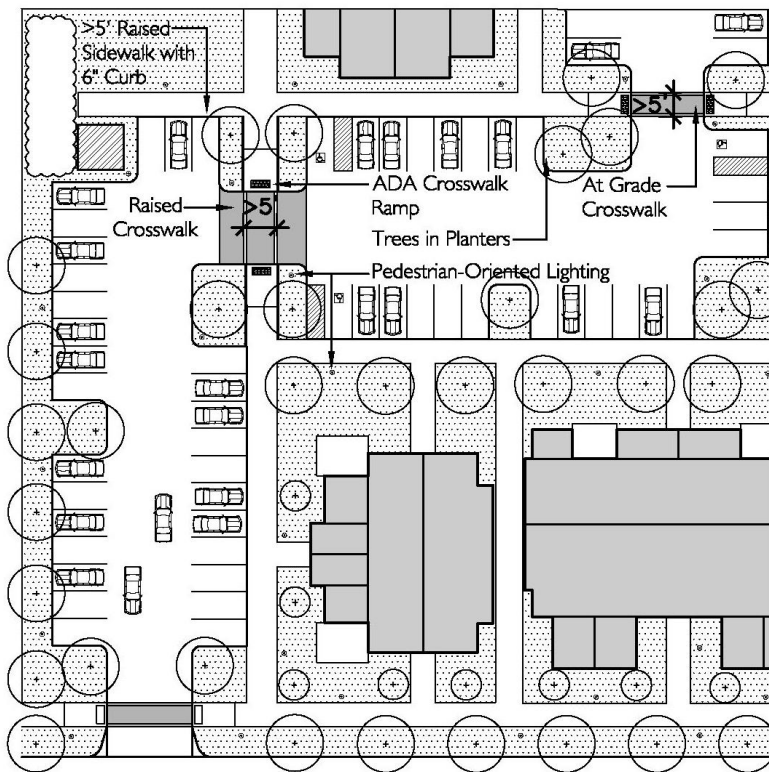
1. Parking spaces shall be a minimum of 9 feet by 18 feet.
2. Up to 50 percent of the total automobile parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."
3. Parking spaces shall have a back-up maneuvering space not less than 22 feet, except where parking is angled, and which does not necessitate moving of other vehicles.



Note: Up to 50% of the total of all parking spaces in parking lot may be designated for compact cars.

Figure 18.4.3.080.B
Parking Area Dimensions

4. Parking lots with 50 or more parking spaces, and parking lots where pedestrians must traverse more than 150 feet of parking area, as measured as an average width or depth, shall be divided into separate areas by one or more of the following means: a building or group of buildings; plazas landscape areas with walkways at least five feet in width; streets; or driveways with street-like features as illustrated in Figure 18.4.3.080.B.4 Street-like features, for the purpose of this section, means a raised sidewalk of at least five feet in width, with six-inch curb, accessible curb ramps, street trees in planters or tree wells and pedestrian-oriented lighting (i.e., not exceeding 14 feet typical height).



Insert-Figure 18.4.3.080.B.4
Dividing Parking Lots into Separate Areas

5. Parking areas shall be designed to minimize the adverse environmental and microclimatic impacts of surface parking through design and material selection as illustrated in Figure 18.4.3.080.B.5. Parking areas of more than seven parking spaces shall meet the following standards.

- a. Use at one or more of the following strategies for the surface parking area, or put 50 percent of parking underground. For parking lots with 50 or more spaces, the approval authority may approve a combination of strategies.
 - i. Use light colored paving materials with a high solar reflectance (Solar Reflective Index (SRI) of at least 29) to reduce heat absorption for a minimum of 50 percent of the parking area surface.
 - ii. Provide porous solid surfacing or an open grid pavement system that is at least 50 percent pervious for a minimum of 50 percent of the parking area surface.
 - iii. Provide at least 50 percent shade from tree canopy over the parking area surface within five years of project occupancy.
 - iv. Provide at least 50 percent shade from solar energy generating carports, canopies or trellis structures over the parking area surface.
- b. Design parking lots and other hard surface areas in a way that captures and treats runoff with landscaped medians and swales.

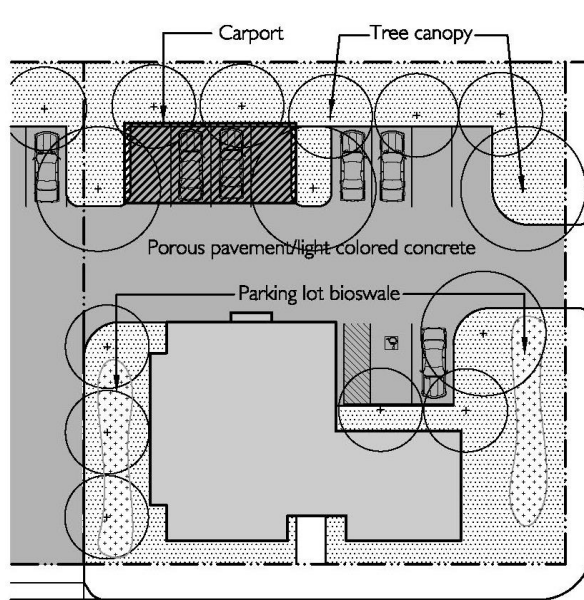


Figure 18.4.3.080.B.5
Parking Design to Reduce Environmental Impacts

C. Vehicular Access and Circulation. The intent of this subsection is to manage access to land uses and on-site circulation and maintain transportation system safety and operations. For transportation improvement requirements, refer to chapter 18.4.6

Public Facilities.

1. Applicability. This section applies to all public streets within the City and to all properties that abut these streets. The standards apply when developments are subject to a planning action (e.g., Site Design Review, Conditional Use Permit, Land Partition, Performance Standards Subdivision).
2. Site Circulation. New development shall be required to provide a circulation system that accommodates expected traffic on the site. All on-site circulation systems shall incorporate street-like features as described in 18.4.3.080.B.4. Pedestrian connections on the site, including connections through large sites, and connections between sites and adjacent sidewalks must conform to the provisions of section 18.4.3.090.
3. Intersection and Driveway Separation. The distance from a street intersection to a driveway, or from a driveway to another driveway shall meet the minimum spacing requirements for the street's classification in the Ashland Transportation System Plan (TSP) as illustrated in Figures 18.4.3.080.C.3.a and Figure 18.4.3.080.C.3.b.

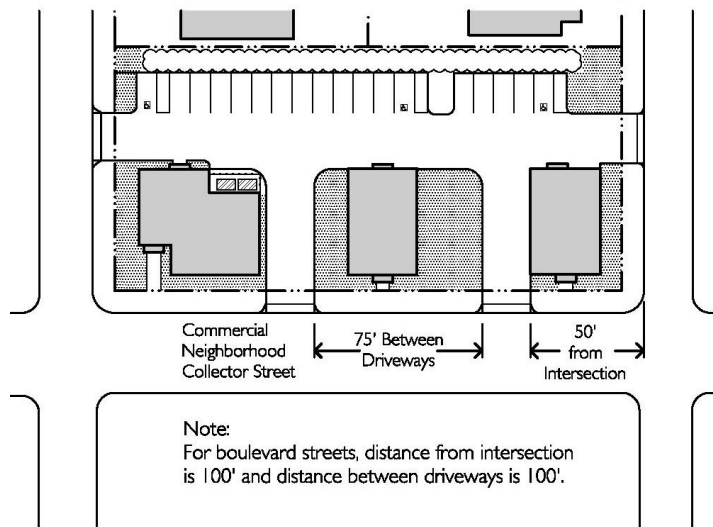


Figure 18.4.3.080.C.3.a
Driveway Separation for Boulevards, Avenues, and Collectors

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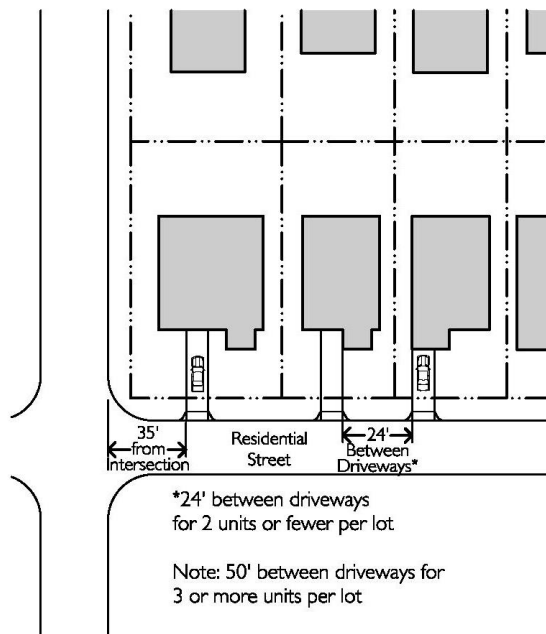


Figure 18.4.3.080.C.3.b
Driveway Separation for Neighborhoods Streets

- a. In no case shall driveways be closer than 24 feet as measured from the bottom of the existing or proposed apron wings of the driveway approach.
- b. Partitions and subdivisions of property located in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall meet the controlled access standards set forth below. If applicable, cross access easements shall be required so that access to all properties created by the land division can be made from one or more points.
- c. Street and driveway access points in an R-2, R-3, C-1, E-1, CM, or M-1 zone shall be limited to the following.
 - i. Distance between driveways.

on boulevard streets:	100 feet
on collector streets:	75 feet
on neighborhood streets:	24 feet for 2 units or fewer per lot,

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- 50 feet for three or more units per lot
- ii. Distance from intersections.
- on boulevard streets: 100 feet
- on collector streets: 50 feet
- on neighborhood streets: 35 feet
- d. Access Requirements for ~~Multi-family~~**Multifamily** Developments. All ~~multi-family~~**multifamily** developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. Trip generation shall be determined by the methods established by the Institute of Transportation Engineers.
4. Shared Use of Driveways and Curb Cuts.
- a. Plans submitted for developments subject to a planning action shall indicate how driveway intersections with streets have been minimized through the use of shared driveways and all necessary access easements. Where necessary from traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations.
- i. For shared parking areas.
- ii. For adjacent developments, where access onto an arterial is limited.
- iii For ~~multi-family~~**multifamily** developments, and developments on multiple lots.
- b. Developments subject to a planning action shall remove all curb cuts and driveway approaches not shown to be necessary for existing improvements or the proposed development. Curb cuts and approaches shall be replaced with standard curb, gutter, sidewalk, and planter/furnishings strip as appropriate.
- c. If the site is served by a shared access or alley, access for motor vehicles must be from the shared access or alley and not from the street frontage.
5. Alley Access. Where a property has alley access, vehicle access shall be taken from the alley and driveway approaches and curb cuts onto adjacent streets are not permitted.
- D. **Driveways and Turn-Around Design.** Driveways and turn-arounds providing access to parking areas shall conform to the following provisions.
1. ~~A driveway for a single-family dwelling or a duplex shall be minimum of nine feet in width, and a shared driveway serving two units shall be a minimum of 12 feet in width,~~ except that driveways over 50 feet in length or ~~serveserving~~ a flag lot shall meet the width and design requirements of section 18.5.3.060. Accessory residential units are exempt from the requirements of this subsection.
2. Parking areas of seven or fewer spaces shall be served by a driveway 12 feet in width, except for those driveways subject to subsection 18.4.3.080.D.1,

Commented [mh19]: Requirements for duplex have to be the same as for a detached single-family dwelling per new state requirements in HB 2001 and OAR 660 Division 46.

above. Accessory residential units are exempt from the requirements of this subsection.

3. Parking areas of more than seven parking spaces shall be served by a driveway 20 feet in width and constructed to: facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety; be clearly and permanently marked and defined; and provide adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
4. The width of driveways and curb cuts in the parkrow and sidewalk area shall be minimized.
5. For single-family lots and ~~multi-family~~**multifamily** developments, the number of driveway approaches and curb cuts shall not exceed one approach/curb cut per street frontage. For large ~~multi-family~~**multifamily** developments and other uses, the number of approaches and curb cuts shall be minimized where feasible to address traffic safety or operations concerns.
6. Vertical Clearances. Driveways, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13.5 feet for their entire length and width. Parking structures are exempt from this requirement.
7. Vision Clearance. No obstructions may be placed in the vision clearance area except as set forth in section 18.2.4.040.
8. Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor.
9. All driveways shall be installed pursuant to City standards prior to issuance of a certificate of occupancy for new construction.
10. Driveways for lots created or modified through a land division or property line adjustment, including those for flag lots, shall conform to the requirements of chapter 18.5.3 Land Divisions and Property Line Adjustments.

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

1. Paving. All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer.
2. Drainage. All required parking areas, aisles, and turn-arounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
3. Driveway Approaches. Approaches shall be paved with concrete surfacing constructed to standards on file in the office of the City Engineer.
4. Marking. Parking lots of more than seven spaces shall have all spaces permanently and clearly marked.

Commented [mh20]: Allowances for duplex have to be the same as for a detached single-family dwelling per new state requirements in HB 2001 and OAR 660 Division 46.

- 1 5. Wheel stops. Wheel stops shall be a minimum of four inches in height and width
2 and six feet in length. They shall be firmly attached to the ground and so
3 constructed as to withstand normal wear. Wheel stops shall be provided where
4 appropriate for all spaces abutting property lines, buildings, landscaping, and no
5 vehicle shall overhang a public right-of-way.
- 6 6. Walls and Hedges
- 7 a. Where a parking facility is adjacent to a street, a decorative masonry wall, or
8 fire resistant broadleaf evergreen site-obscuring hedge screen between 30 and
9 42 inches in height and a minimum of 12 inches in width shall be established
10 parallel to and not nearer than two feet from the right-of-way line, pursuant to
11 the following requirements.
- 12 i. The area between the wall or hedge and street line shall be landscaped.
- 13 ii. Screen planting shall be of such size and number to provide the required
14 screening within 12 months of installation.
- 15 iii. All vegetation shall be adequately maintained by a permanent irrigation
16 system, and said wall or hedge shall be maintained in good condition.
- 17 iv. Notwithstanding the above standards, the required wall or screening shall
18 be designed to allow access to the site and sidewalk by pedestrians and
19 shall meet the vision clearance area requirements in section 18.2.4.040,
20 and shall not obstruct fire apparatus access, fire hydrants, or other fire
21 appliances.
- 22 b. In all zones, except single-family zones, where a parking facility or driveway is
23 adjacent to a residential or agricultural zone, school yard, or like institution, a
24 sight-obscuring fence, wall, or fire resistant broadleaf evergreen site-obscuring
25 hedge shall be provided, pursuant to the following requirements.
- 26 i. The fence, wall or hedge shall be placed on the property line and shall be
27 between five feet and six feet in height as measured from the high grade
28 side of the property line, except that the height shall be reduced to 30
29 inches within a required setback area and within ten feet of a street
30 property line.
- 31 ii. Screen plantings shall be of such size and number to provide the required
32 screening within 12 months of installation.
- 33 iii. Adequate provisions shall be made to protect walls, fences, or plant
34 materials from being damaged by vehicles using said parking area.
- 35 iv. Notwithstanding the above standards, the required wall or screening shall
36 be designed to meet the vision clearance area requirements in section
37 18.2.4.040.
- 38 v. The fence, wall, or hedge shall be maintained in good condition.
- 39 7. Landscaping. In all zones, all parking facilities shall include landscaping to cover
40 not less than seven percent of the area devoted to outdoor parking facilities,
including the landscaping required in subsection 18.4.3.080.E.6, above. Said

landscaping shall be uniformly distributed throughout the parking area, and provided with irrigation facilities and protective curbs or raised wood headers. It may consist of trees, plus shrubs, ground cover, or related material. A minimum of one tree per seven parking spaces is required. ~~Single-family dwellings and accessory residential units are exempt from the requirements of this subsection.~~

8. Lighting. Lighting of parking areas within 100 feet of property in residential zones shall be directed into or on the site and away from property lines such that the light element shall not be directly visible from abutting residential property. Lighting shall comply with section 18.4.4.050.

SECTION 20. Section 18.4.3.090 [Pedestrian Access and Circulation – Vehicle Area Design] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.4.3.090 Pedestrian Access and Circulation

- A. Purpose.** The purpose of section 18.4.3.090 is to provide for safe, direct, and convenient pedestrian access and circulation.
- B. Standards.** Development subject to this chapter, except single-family dwellings on individual lots, accessory residential units, duplexes, and associated accessory structures, shall conform to the following standards for pedestrian access and circulation.
1. Continuous Walkway System. Extend the walkway system throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent sidewalks, trails, parks, and common open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property for this purpose.
 2. Safe, Direct, and Convenient. Provide safe, reasonably direct, and convenient walkway connections between primary building entrances and all adjacent streets. For the purposes of this section, the following definitions apply.
 - a. "Reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - b. "Safe and convenient" means reasonably free from hazards and provides a reasonably direct means of walking between destinations.
 - c. "Primary entrance" for a non-residential building means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - d. "Primary entrance" for a residential building is the front door (i.e., facing the street). For multifamily buildings and mixed-use buildings where not all dwelling units have an individual exterior entrance, the "primary entrance" may be a

- 1 lobby, courtyard, or breezeway serving as a common entrance for more than
2 one dwelling.
- 3 3. Connections within Development. Walkways within developments shall provide
4 connections meeting all of the following requirements as illustrated in Figures
5 18.4.3.090.B.3.a and 18.4.3.090.B.3.b
- 6 a. Connect all building entrances to one another to the extent practicable.
- 7 b. Connect on-site parking areas, common and public open spaces, and common
8 areas, and connect off-site adjacent uses to the site to the extent practicable.
9 Topographic or existing development constraints may be cause for not making
10 certain walkway connections.
- 11 c. Install a protected raised walkway through parking areas of 50 or more spaces,
12 and where pedestrians must traverse more than 150 feet of parking area, as
13 measured as an average width or depth.
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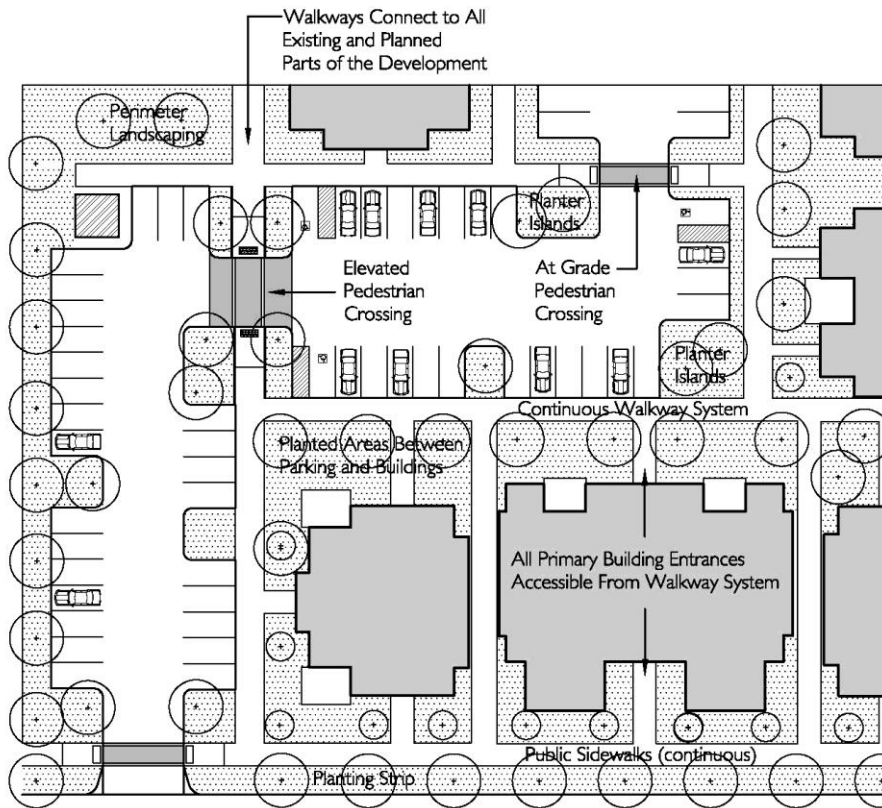


Figure 18.4.3.090.B.3.a
Pedestrian Access and Circulation

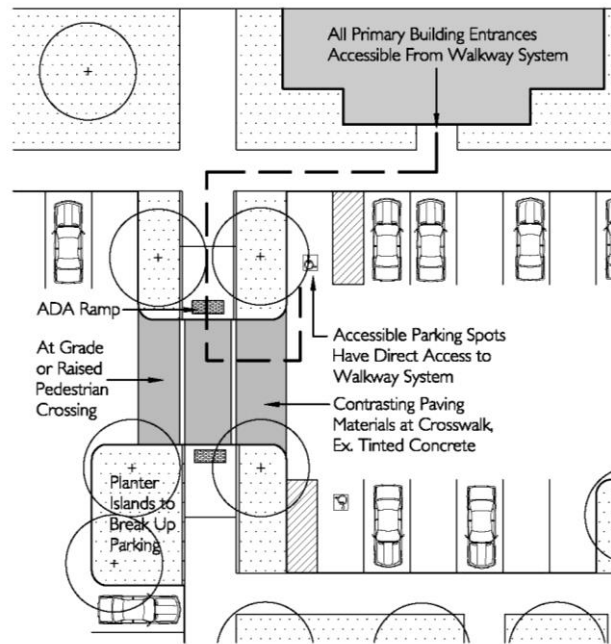


Figure 18.4.3.090.B.3.b
Pedestrian Access and Circulation Detail

4. **Walkway Design and Construction.** Walkways shall conform to all of the following standards in as illustrated in Figure 18.4.3.090.B.3.a and 18.4.3.090.B.3.b. For transportation improvement requirements, refer to chapter 18.4.6 Public Facilities.
 - a. **Vehicle/Walkway Separation.** Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised six inches and curbed along the edge of the driveway. Alternatively, the approval authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is distinguished from vehicle-maneuvering areas. Examples of alternative treatments are mountable curbs, surface treatments such as stamped concrete or reflector bumps, and using a row of decorative metal or concrete bollards to separate a walkway from a driveway.
 - b. **Crosswalks.** Where walkways cross a parking area or driveway, clearly mark crosswalks with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

- c. Walkway Surface and Width. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, and at least five feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, and at least ten feet wide, in accordance with the section 18.4.6.040 Street Design Standards.
- d. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) and State of Oregon requirements. The ends of all raised walkways, where the walkway intersects a driveway or street, shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.
- e. Lighting. Lighting shall comply with section 18.4.4.050.

SECTION 21. 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 addition of an accessory residential unit, unless exempt from Site Design Review per subsection 18.2.3.040.A~~**and two or more dwelling units on a lot in any other non-residential zone.**
2. Construction of attached (common wall) single-family dwellings (e.g., townhomes, condominiums, rowhouses) in any zoning district.
3. Any exterior change, including installation of Public Art, to a structure individually listed on the National Register of Historic Places that requires a building permit.
4. Any change to off-street parking or landscaping in a residential development where such parking or landscaping is provided in common area (e.g., shared parking) and is approved pursuant to chapter 18.3.9 Performance Standards Option.
5. Any change in use that requires a greater number of parking spaces.
6. Installation of mechanical equipment not fully enclosed in a structure and not otherwise exempt from Site Design Review per subsection 18.5.2.020.C.
7. Installation of wireless communication facilities (e.g., accessory to a residential use), in accordance with section 18.4.10.

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

1. Detached single-family dwellings and associated accessory structures and uses.
2. ~~Accessory residential units meeting the requirements of subsection 18.2.3.040.A~~**and duplexes meeting the requirements of subsection 18.2.3.110.**
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.

Commented [mh21]: Requires Site Design Review (planning application) for 3 or more units on one lot in a residential.

Commented [mh22]: Exempts any development with two units on one lot from Site Design Review (planning application), including ARUs and duplexes.

- 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 22. Section 18.5.7.020 [Applicability and Review Procedure – Tree Removal Permits] of the Ashland Land Use Ordinance is hereby amended to read as follows:

18.5.7.020 Applicability and Review Procedure

All tree removal and topping activities shall be carried out in accordance with the requirements of this chapter and as applicable, the provisions of part 18.3 Special Districts and Overlay Zones, and chapter 18.4.4 Landscaping, Lighting, and Screening.

If tree removal is part of another planning action involving development activities, the tree removal application, if timely filed, shall be processed concurrently with the other planning action. Applications for Tree Removal Permits are reviewed as follows.

A. Ministerial Action. The following Tree Removal Permits are subject to the Ministerial procedure in section 18.5.1.040.

1. Emergency Tree Removal Permit.

B. Type I Reviews. The following Tree Removal Permits are subject to the Type I review in section 18.5.1.050. This section applies to removal of trees that are a hazard or are not a hazard.

1. Removal of trees greater than six-inches DBH on private lands zoned C-I, E-I, M-I, CM, or HC.

2. Removal of trees greater than six-inches DBH on lots zoned R-2, R-3, and R-1-3.5 that are not occupied solely by a ~~detached single-family~~ ~~single-family~~ ~~detached~~

dwelling and associated accessory structures including accessory residential units, or by a duplex.

3. Removal of significant trees, as defined in part 18.6, on vacant property zoned for residential purposes including but not limited to R-1, RR, WR, and NM zones.
4. Removal of significant trees as defined in part 18.6, on lands zoned SOU, on lands under the control of the Ashland School District, or on lands under the control of the City.
5. Tree Topping Permit.

C. Exempt From Tree Removal Permit. The following activities are exempt from the requirement for a tree removal permit in 18.5.7.020.A, subsections A. and B, above.

1. Those activities associated with the establishment or alteration of any park under the Ashland Parks and Recreation Commission. However, the Parks and Recreation Department shall provide an annual plan in January to the Tree Commission outlining proposed tree removal and topping activities, and reporting on tree removal and topping activities that were carried out in the previous year.
2. Removal of trees in ~~single-family~~single-family residential zones on lots occupied only by a ~~detached single-family~~single-family detached dwelling and associated accessory structures including accessory residential units, or by a duplex, where the property is less than twice the minimum lot size or otherwise ineligible to be partitioned or subdivided, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
3. Removal of trees in ~~multi-family~~multifamily residential and health care zones on lots occupied only by a ~~detached single-family~~single-family detached dwelling and associated accessory structures including accessory residential units, or by a duplex, where the property cannot be further developed with additional dwelling units other than an accessory residential unit or a duplex, except as otherwise regulated by chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
4. Removal of trees less than six-inches DBH in any zone, excluding those trees located within the public right of way or required as conditions of approval with landscape improvements for planning actions.
5. Removal of trees less than 18 caliper inches in ~~diameter at breast height (DBH)~~ on any public school lands, Southern Oregon University, and other public land, excluding Heritage trees.
6. Removal of trees within the Wildfire Lands area of the City, as defined on adopted maps, for the purposes of wildfire fuel management, consistent with the fuel modification area standards in 18.3.10.100, and in accord with the requirements of chapters 18.3.10 Physical and Environmental Constraints and 18.3.11 Water Resource Protection Zones.
7. Removal of dead trees.

Commented [mh23]: Allowances for duplex have to be the same as for a detached single-family dwelling per new state requirements in HB 2001 and OAR 660 Division 46.

8. Those activities associated with tree trimming for safety reasons, as mandated by the Oregon Public Utilities Commission, by the City's Electric and Telecommunication Utility. However, the Utility shall provide an annual plan to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year. Tree trimming shall be done, at a minimum, by a Journeyman Tree Trimmer, as defined by the Utility, and will be done in conformance and to comply with OPUC regulations.
9. Removal of street trees within the public right-of-way subject to street tree removal permits in AMC 13.16.
10. Those activities associated with tree trimming or removal at the Airport, within the Airport (A) overlay zone for safety reasons, as mandated by the Federal Aviation Administration. The Public Works Department shall provide an annual report to the Tree Commission outlining tree trimming activities and reporting on tree trimming activities that were carried out in the previous year.

D. Other Requirements.

1. Flood Plain, Hillsides, and Wildfire. Tree removal in the Physical and Environmental Constraints Overlay (i.e., areas identified as Flood Plain Corridor Land, Hillside Lands, Wildfire Lands and Severe Constraint Lands) must also comply with the provisions of chapter 18.3.10 Physical and Environmental Constraints Overlay.
2. Water Resources. Tree removal in regulated riparian areas and wetlands must also comply with the provisions of chapter 18.3.11 Water Resources Protection Zones.

SECTION 23. 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.

Basement. That portion of a building with a floor-to-ceiling height of not less than ~~six and a-half~~ $6\frac{1}{2}$ feet, where the perimeter walls do not exceed 12 feet above finished grade at any point, and where 50 percent or more of its perimeter walls are less than six feet above natural grade.

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~~structure is a single-family dwelling, and the secondary dwelling meets the size requirements and standards in section 18.2.4.040. The accessory residential unit can be 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 located in a detached building located on the same lot, and having an independent means of access (i.e., door).
- **Duplex Dwelling.** ~~A structure that contains two dwelling units located on one lot. The units must share a common wall or common floor/ceiling. 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.~~
- **Clustered Residential Units (Normal Neighborhood District).** Multiple dwellings grouped around common open space that promote a scale and character compatible with single-family dwellings. Units are typically arranged around a central common green under communal ownership. Automobile parking is generally grouped in a shared area or areas.
- **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. Two attached dwellings included in a multifamily development of three or more units shall not be considered a duplex.~~
- **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

Commented [mh24]: Size requirements differentiate an ARU from a duplex.

Commented [mh25]: Moved from Normal Neighborhood Plan chapter.

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

Floor Area. The area of an enclosed floor measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

- **Gross Floor Area.** The sum of the gross horizontal areas of all enclosed floors measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, but excluding basements, attic space providing structural head room of less than ~~six and a half~~6½ feet, and unenclosed steps, porches, terraces and balconies. Individual sections of this ordinance may exempt additional spaces from gross floor area.
- **Gross Habitable Floor Area.** The sum of the gross horizontal areas of all enclosed floors with at least seven feet of headroom in a dwelling unit measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, excluding uninhabitable spaces accessed solely by an exterior door.
- **Maximum Permitted Floor Area (MPFA).** The gross floor area of ~~the primary~~ a dwelling, including but not limited to potential living spaces within the structure with at least seven feet of head room and attached garages. ~~Basements, detached garages, detached accessory structures, and detached accessory residential units are not counted in the gross floor area for the MPFA calculation if separated from the by six feet or more. Similarly, unenclosed breezeways, and similar open structures connecting an exempt detached structure to the primary dwelling not counted in the MPFA calculation. See section 18.25.070.E for exceptions to MPFA.~~

Commented [mh26]: Standard from 18.2.5.070.E, deleted from definition.

SECTION 24. 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.

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SECTION 25. 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:

David H. Lohman, City Attorney