

Sequential Ordinance No 2024-2003

ORDINANCE TO AMEND CHAPTER 781 (1764) UNIFIED DEVELOPMENT ORDINANCE (U.D.O.) AND ZONING DISTRICT MAP IN PAMPHLET FORM, ASHLAND CITY ORDINANCES

An Ordinance adopted by the Common Council for the City of Ashland at a regular meeting of July 30, 2024 for the purpose of amending Chapter 781 (1764) Unified Development Ordinance (U.D.O.) and Zoning District Map in Pamphlet Form, Ashland City Ordinances.

SECTION I:

Section 4.2 R-E Residential Estate District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following are permitted uses in the R-E Residential Estate District, pursuant to all applicable specific uses standards.

a. Residential uses.

- (1) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided not more than four (4) persons are served by the facility
- (2) Dwelling: single-family detached
- (3) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses.

g. Other uses.

- (1) Parking lot as a principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION II:

Section 4.3 R-1 Single-Family Residential District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following are permitted uses in the R-1 Single-Family Residential District, pursuant to all applicable specific use standards

a. Residential uses.

- (1) Community living arrangement, pursuant to Section 5.1, C: Community Living Arrangement and provided not more than four (4) persons are served by the facility
- (2) Dwelling: single-family detached
- (3) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses. The following are conditional uses in the R-1 Single-Family Residential District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards.

f. Other uses.

- (1) Parking lot as the principal use
- (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district

SECTION III:

Section 4.4 R-2 Single and Two-Family Residential District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following are permitted uses in the R-2 Single and Two-Family Residential District, pursuant to all applicable specific uses standards.

a. Residential uses.

- (1) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided not more than four (4) persons are served by the facility
- (2) Dwelling: single-family attached, not to exceed two (2) dwelling units per building
- (3) Dwelling: single-family detached
- (4) Dwelling: two-family or duplex
- (5) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

f. Other uses.

- (1) Parking lot as the principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION IV

Section 4.5 R-3 Medium Density Residential District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following uses are permitted in the R-3 Medium Density Residential District.

a. Residential uses.

- (1) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided not more than four (4) persons are served by the facility.
- (2) Dwelling: multi-family, three (3) or four (4) dwelling units per building
- (3) Dwelling: single-family attached not to exceed six (6) dwelling units per building
- (4) Dwelling: two-family or duplex
- (5) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses.

f. Other uses.

- (1) Parking lot as the principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION V

Section 4.6 R-4 High Density Residential District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following uses are permitted in the R-4 High Density Residential District, pursuant to all applicable specific use standards.

a. Residential uses.

- (1) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided not more than four (4) persons are served by the facility
- (2) Dwelling: multi-family, three (3) to eight (8) dwelling units per building
- (3) Dwelling: single-family attached three (3) to six (6) dwelling units per building
- (4) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

f. Other uses.

- (1) Parking lot as the principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION VI

Section 4.7 MHC Manufactured Home Community (Mobile Home Park) District *shall be amended to read as follows:*

B. Uses

2. Conditional uses.

f. Other uses.

- (1) Parking lot as the principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION VII

Section 4.8 MRC Mixed Residential/Commercial District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following are permitted uses in the MRC Mixed Residential/Commercial District.

a. Residential uses.

- (1) Bed and breakfast establishment, pursuant to Section 5.1, B.: Bed and Breakfast Establishment, and provided that is associated with a permitted residential use or a residential use in existence prior to the adoption of this ordinance
- (2) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided not more than four (4) persons are served by the facility
- (3) Dwelling: single-family attached, not to exceed two (2) dwelling units per building
- (4) Dwelling: single-family detached
- (5) Dwelling: two-family or duplex
- (6) Any residential use in the district that was in existence prior to the adoption of this ordinance (and was a conforming use at that time) shall be a permitted use on the subject parcel.
- (7) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses. The following are conditional uses in the MRC Mixed Residential/Commercial District subject to the special requirements of this section and to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards.

a. Residential uses.

- (1) Adult family home, pursuant to Section 5.1, A.: Adult Family Home
- (2) Boarding or rooming home
- (3) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that five (5) to fifteen (15) persons are served
- (4) Convent, rectory, or monastery, pursuant to Section 5.1, D.: Convent, Rectory, or Monastery
- (5) Dwelling combined with a conditional use
- (6) Dwelling: single-family attached, three to six units per building
- (7) Dwelling: multi-family, three (3) or more dwelling units
- (8) Emergency residential facility, provided that not more than fifteen (15) persons are served
- (9) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation
- (10) Rehabilitation center/transitional facility, pursuant to Section 5.1, J.:

- Rehabilitation Center/Transitional Living Facility and provided that the facility does not serve more than fifteen (15) persons at one time
- (11) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to Section 5.1, K.: Tourist Home
 - (12) Community-based Residential Facility

And

g. Other uses

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

SECTION IX

Section 4.15 NC Neighborhood Convenience District *shall be amended to read as follows:*

2. Conditional uses. The following conditional uses are allowed in a NC neighborhood Convenience District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and all applicable specific use standards.

g. Other uses

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

SECTION X

Section 4.16 RC Regional Commercial District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following uses are permitted in the RC Regional Commercial District pursuant to all specific use standards.

a. Residential uses.

- (1) Residential uses in existence prior to the adoption of this ordinance.
- (2) Multi-family dwelling with or without a permitted commercial use

(3) Dwelling: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory, and provided that it is associated with a detached single-family residence that was in existence prior to the adoption of this ordinance

And

2. Conditional uses. The following conditional uses are allowed in a RC Regional Commercial District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and all applicable specific use standards.

a. Residential uses.

- (1) Adult family home, pursuant to Section 5.1, A.: Adult Family Home
- (2) Bed and breakfast establishment, pursuant to Section 5.1, B.: Bed and Breakfast Establishment, and provided that is associated with a permitted residential use or a residential use in existence prior to the adoption of this ordinance
- (3) Boarding or rooming house
- (4) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that fifteen (15) or fewer persons are served
- (5) Convent, rectory, or monastery, pursuant to Section 5.1, D.: Convent, Rectory, or Monastery
- (6) Dwelling combined with a conditional use
- (7) Emergency residential facility
- (8) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation
- (9) Rehabilitation center/transitional living facility, pursuant to Section 5.1, J.: Rehabilitation Center/Transitional Living Facility
- (10) Tourist home, pursuant to Section 5.1, K.: Tourist Home, and provided that it is associated with a detached single-family residence that was in existence prior to the adoption of this ordinance

And

h. Other uses.

- (1) Parking lot as a principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

SECTION XI

Section 4.17 CC City Center District *shall be amended to read as follows:*

B. Uses

1. Permitted uses.

(a) Residential uses.

- (1) Residential use, provided that the use was in existence prior to the adoption of this ordinance and provided that the use has not lapsed for more than twelve (12) consecutive months since the date of adoption of this ordinance.
- (2) Bed and breakfast establishment, pursuant to Section 5.1, B.: Bed and Breakfast Establishment
- (3) Dwelling combined with a permitted use
- (4) Dwelling: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory, and provided that it is associated with a detached single-family residence that was in existence prior to the adoption of this ordinance

And

2. Conditional uses.

(a) Residential uses.

- (1) Adult family home, pursuant to Section 5.1, A.: Adult Family Home
- (2) Boarding or rooming home
- (3) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that a maximum of fifteen (15) persons are served
- (4) Convent, rectory, or monastery, pursuant to Section 5.1, D.: Convent, Rectory, or Monastery
- (5) Dwelling combined with conditional use
- (6) Dwelling: multi-family, three (3) or more units per building
- (7) Dwelling: single-family attached, no more than six (6) units per building
- (8) Dwelling: single-family detached
- (9) Dwelling: two-family or duplex
- (10) Emergency residential facility
- (11) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation
- (12) Rehabilitation center/transitional facility, pursuant to Section 5.1, J.: Rehabilitation Center/Transitional Living Facility
- (13) Tourist home, pursuant to Section 5.1, K.: Tourist Home, and provided that it is associated with a detached single-family residence that was in

existence prior to the adoption of this ordinance

And

g. Other uses

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

SECTION XII

Section 4.20 MCI Mixed Commercial/Industrial District shall be amended to read as follows:

B. Uses

2. Commercial uses. The following conditional uses are allowed in the MCI Mixed Commercial/Industrial District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards

f. Other uses.

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of this District

SECTION XII

Section 4.21 L1 Light Industrial District shall be amended to read as follows:

B. Uses

2. Conditional uses. The following conditional uses are allowed in the LI Light Industrial District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards

g. Other uses.

- (1) Parking lot as a principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is

consistent with the intent for conditional uses in this district.

SECTION XIII

Section 4.22 HI Heavy Industrial District *shall be amended to read as follows:*

B. Uses

2. Conditional uses. The following conditional uses are allowed in the LI Light Industrial District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards

g. Other uses.

- (1) Parking lot as a principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION XIV

Section 4.25 W-SFR Waterfront Single-Family Residential District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following are permitted uses in the W-SFR Waterfront Single-Family Residential District, pursuant to all applicable specific uses standards.

a. Residential uses.

- (1) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided not more than four (4) persons are served by the facility
- (2) Dwelling: single-family detached
- (3) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses. The following are conditional uses in the W-SFR Waterfront Single-Family Residential District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards.

a. Residential uses.

- (1) Adult family home, pursuant to Section 5.1, A.: Adult Family Home
- (2) Bed and breakfast establishment, pursuant to Section 5.1, B.: Bed and Breakfast Establishment
- (3) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that five (5) to fifteen (15) persons are served
- (4) Dwelling: two-family or duplex
- (5) Emergency residential facility, provided that not more than fifteen (15) persons are served
- (6) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation
- (7) Rehabilitation center/transitional living facility, pursuant to Section 5.1, J.: Rehabilitation Center/Transitional Living Facility
- (8) Tourist home, pursuant to Section 5.1, K.: Tourist Home.

And

e. Other uses.

- (1) Parking lot as a principal use
- (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION XV

Section 4.26 W-MRC Waterfront mixed Residential/Commercial District *shall be amended to read as follows:*

B. Uses

2. Permitted uses that are not part of an approved planned unit development (PUD).

b. Residential.

- (1) Bed and breakfast establishment, pursuant to Section 5.1, B.: Bed and Breakfast Establishment, and provided that is associated with a permitted residential use or a residential use in existence prior to the adoption of this ordinance
- (2) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that not more than four (4) persons are served by the facility

- (3) Dwelling: multi-family, three (3) to eight (8) units per building
- (4) Dwelling: single-family attached, two (2) to six (6) units per building
- (5) Dwelling: single-family detached
- (6) Dwelling: two-family or duplex
- (7) Dwelling combined with a permitted commercial use
- (8) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

f. Other uses.

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of this district may be considered and processed as per the conditional use permit provisions of this Ordinance.

SECTION XVI

Section 4.27 W-CRM Waterfront Conference/Residential Mix District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following uses are permitted in the W-CRM Waterfront Conference/Residential Mix District pursuant to all specific use standards.

a. Residential.

- (1) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that not more than four (4) persons are served by the facility
- (2) Dwelling: multi-family, three (3) to eight (8) units per building
- (3) Dwelling: single-family attached, two (2) to six (6) units per building
- (4) Dwelling: single-family detached
- (5) Dwelling: two-family or duplex
- (6) Dwelling combined with a permitted commercial use
- (7) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses. The following conditional uses are allowed in the W-CRM Waterfront Conference/Residential Mix District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards.

a. Residential uses.

- (1) Adult family home pursuant to Section 5.1, A.: Adult Family Home
- (2) Bed and breakfast, pursuant to Section 5.1, B.: Bed and Breakfast Establishment
- (3) Boarding or rooming house
- (4) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that five (5) to fifteen (15) persons are served
- (5) Dwelling combined with a conditional use
- (6) Dwelling: multi-family, more than eight (8) units per building
- (7) Emergency residential facility
- (8) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation
- (9) Rehabilitation center/transitional facility, pursuant to Section 5.1, J.: Rehabilitation Center/Transitional Living Facility
- (10) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to Section 5.1, K.: Tourist Home

And

f. Other uses.

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

SECTION XVII

Section 4.28 W-C Waterfront Commercial District *shall be amended to read as follows:*

2. Conditional uses. The following are conditional uses in the W-C District subject to the special requirements of this section and to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards.

f. Other uses.

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

SECTION XVIII

Section 4.29 W-CC Waterfront City Center District *shall be amended to read as follows:*

B. Uses

1. Permitted uses. The following uses are permitted in the W-CC Waterfront City Center District, pursuant to all applicable specific use standards.

a. Residential uses

- (1) Residential use, provided that the use was in existence prior to the adoption of this ordinance and provided that the use has not lapsed for more than twelve (12) consecutive months since the adoption of this ordinance.
- (2) Bed and breakfast establishment, pursuant to Section 5.1, B.: Bed and Breakfast Establishment
- (3) Dwelling combined with permitted use
- (4) Dwelling: single-family detached
- (5) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses. The following are conditional uses in the W-CC District subject to the special requirements of this section and to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards.

a. Residential uses

- (1) Adult family home, pursuant to Section 5.1, A.: Adult Family Home
- (2) Boarding or rooming home
- (3) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that not more than fifteen (15) persons are served by the facility
- (4) Convent, rectory, or monastery, pursuant to Section 5.1, D.: Convent, Rectory, or Monastery

- (5) Dwelling combined with a conditional use
- (6) Dwelling: single-family attached, two (2) to six (6) units per building
- (7) Dwelling: multi-family, three (3) or more units per building
- (8) Dwelling: two-family or duplex
- (9) Emergency residential facility
- (10) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation
- (11) Rehabilitation center/transitional facility, pursuant to Section 5.1, J.: Rehabilitation Center/Transitional Living Facility
- (12) Tourist home, pursuant to Section 5.1, K.: Tourist Home

And

f. Other uses

- (1) Drive-through window associated with a permitted or conditional use
- (2) Parking lot as a principal use
- (3) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

SECTION XIX

Section 4.30 W-I Waterfront Industrial District shall be amended to read as follows:

B. Uses

2. Conditional uses. The following are conditional uses in the W-I Waterfront Industrial District subject to the issuance of a conditional use permit as specified in Section 3.9: Conditional Use Permit and pursuant to all applicable specific use standards and the special requirements of this district.

e. Other uses.

- (1) Parking lot as a principal use
- (2) Other use not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in the district.

SECTION XX

Section 4.31 W-PI Waterfront Public /Institutional District shall be amended to read as follows:

B. Uses

2. Conditional uses.

f. Other uses.

(1) Parking lot as a principal use

(2) Other use not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in the district.

SECTION XXI

Section 4.35 PI Public/Institutional District shall be amended to read as follows:

B. Uses

2. Conditional uses.

h. Other uses.

(1) Parking lot as a principal use

(2) Other use not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in the district.

SECTION XXII

Section 4.36 PP Public Parks District shall be amended to read as follows:

B. Uses

2. Conditional uses.

f. Other uses.

(1) Parking lot as a principal use

(2) Other use not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in the district.

SECTION XXIII

Section 4.37 FD Future Development District shall be amended to read as follows:

B. Uses

1. Permitted uses.

a. Residential uses.

- (1) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided not more than four (4) persons are served by the facility
- (2) Dwelling: single-family detached
- (3) Dwelling: single-family detached in a conservation subdivision pursuant to Section 4.56: Conservation Subdivision Overlay District
- (4) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory

And

2. Conditional uses.

a. Residential uses

- (1) Adult family home, pursuant to Section 5.1, A.: Adult Family Home
- (2) Bed and breakfast establishment, pursuant to Section 5.1, B.: Bed and Breakfast Establishment
- (3) Community living arrangement, pursuant to Section 5.1, C.: Community Living Arrangement and provided that five (5) to fifteen (15) persons are served
- (4) Convent, rectory, or monastery
- (5) Emergency residential shelter
- (6) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation
- (7) Rehabilitation center/transitional living facility, pursuant to Section 5.1, J.: Rehabilitation Center/Transitional Living Facility
- (8) Tourist home, pursuant to Section 5.1, K.: Tourist Home

And

h. Other uses.

- (1) Parking lot as a principal use
- (2) Other use not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in the district.

SECTION XXIV

Section 4.38 AIR Airport District shall be amended to read as follows:

B. Uses

2. Conditional Uses

d. Other uses.

(1) Parking lot as a principal use

(2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

SECTION XXX

Section 5.1 Residential Uses shall be amended to read as follows:

E. Dwelling: Accessory.

1. Definition. An accessory dwelling unit (ADU) refers to a detached, smaller, secondary structure on the same lot as a principal dwelling. ADUs are independently habitable and must conform to Uniform Dwelling Code. Structures consisting of living quarters above garage space shall be considered ADUs unless some of the ground level consists of living quarters.

And

3. Where Permitted. Accessory dwelling units shall be a permitted use and require a Development Permit in addition to applicable Building Permits in all zoning districts where they are listed as a permitted use.

And

4. Requirements.

a. Any exterior changes or additions for an accessory dwelling shall be constructed of similar materials and shall be architecturally compatible with the principal building.

b. The accessory dwelling unit shall not contain more than seventy-five (75) percent of the total floor area on the principal structure on subject parcel.

c. The minimum parcel area for one (1) ADU shall conform to the minimum parcel area of the subject zoning district. Parcels exceeding the minimum parcel area of the subject zoning district by a minimum of two thousand five hundred (2,500) square feet shall be allowed a maximum of two (2) ADUs.

- d. A detached garage with an accessory dwelling shall meet all requirements for accessory buildings within their respective zoning district and the dwelling unit must meet Uniform Dwelling Code.
- e. There shall be an unobstructed walkway leading from the public street to the accessory dwelling.
- f. No ADU shall be constructed and no building permit shall be issued for an ADU prior to the construction of a primary structure on the subject property.

SECTION XXXI

Section 5.6 Accessory Uses and Other Uses *shall be repealed and replaced to read as follows:*

A. Accessory Building Accessory buildings shall comply with the following conditions:

1. Size of accessory buildings on residential parcels.

a. An accessory building on a residential parcel may not occupy more than twenty-five (25) percent of a required rear yard or thirty-five (35) percent of any non-required rear yard. In no instance shall the accessory building exceed the ground floor area of the principal building.

2. Measurement of setbacks. Measurement of setbacks for accessory buildings shall be consistent with Section 6.1 B., 1.: Measurement of Setbacks.

3. Separation from principal buildings. Accessory buildings shall be at least six (6) feet from the principal building situated on the same parcel.

4. Accessory buildings in front yards limited.

a. No accessory building shall be permitted nearer to the front parcel line than the minimum allowed setback from the front parcel line in the subject zoning district for the principal buildings or the average setback of the principal buildings on parcels immediately adjoining the parcel on the same side of the street, whichever is less.

b. Parcels that are in the FD Future Development, R-E Residential Estate, LI Light Industrial and HI Heavy Industrial, and are a minimum of five (5) acres may locate an accessory building nearer the front parcel line than the principal building, but not nearer the minimum required setback from the front parcel line for a principal building.

5. Accessory building interior side and rear setbacks. Accessory buildings shall not be located less than three (3) feet from the interior side or rear parcel lines. Where a vehicle entrance to an accessory building faces an alley right-of-way, the accessory building shall not be located less than ten (10) feet from the parcel line abutting the alley.

6. Accessory building setback on corner parcels. No accessory building shall be permitted

nearer to the corner street side parcel line than the minimum allowed setback from the corner street side parcel line in the subject zoning district for principal buildings, or the average setback of the four (4) or less nearest principal buildings and accessory garages along the same side of the street, whichever is less. In no case shall an accessory building be located within the required vision triangle as specified in Section 6.1: General Standards.

7. Accessory building height. No accessory building shall exceed twenty feet (20) feet and one (1) story in height, except in the case of an accessory building containing an accessory dwelling unit located above a garage constructed on a parcel already containing a principal building. No accessory building consisting of a garage and accessory dwelling unit shall exceed 25 feet in overall height. In the case of the Future Development zoning district an accessory building may have a 35-foot maximum height limit if it is located on a parcel where a principal structure already exists. Accessory building height shall be measured in accordance with Section 6.1 C.: Building Height.

8. Accessory building attached to principal building. When an accessory building is structurally attached to a main principal building or located within six (6) feet of the principal building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to principal buildings.

9. Conversion of accessory building to dwellings limited. The conversion of any accessory building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum parcel area, parcel area per dwelling unit, percentage of parcel coverage, dimensions of yards and other open spaces, and off-street parking.

10. Accessory buildings without a principal building. No accessory building shall be erected or constructed prior to the erection or construction of the principal building, except:

a. Personal storage building. A personal storage building may be constructed as a principal building pursuant to Section 5.6, H.: Personal Storage Building as a Principal Building. Regardless of zoning district such a building shall be limited to twenty (20) feet and one story in height and shall not include living quarters. No building containing an accessory dwelling unit shall be constructed prior to the construction of a principal building on a parcel.

b. Recreation accessory buildings. An accessory building may be constructed on public lands or at a commercial recreation facility, including campgrounds and outdoor shooting ranges, when the land or facility is issued a permit for, or approved by, the Zoning Administrator or Designated Authorized Agent, as a principal use.

11. Appearance. The architectural appearance of accessory buildings should be visually compatible with the principal building relative to color, materials, and form.

12. Accessory buildings in the FD Future Development District. Accessory buildings over twelve hundred (1,200) square feet in the FD Future Development District shall comply with Section 4.37, D Design Standards and Guidelines for Agricultural Buildings and Other Accessory Buildings.

B. Accessory Structures. Accessory structures, not elsewhere defined or regulated, shall comply with the following conditions:

1. Size of accessory structures on residential parcels.

a. An accessory structure on a residential parcel may not occupy more than twenty-five (25) percent of a required rear yard or thirty-five (35) percent of any non-required rear yard. In no instance shall the accessory structure exceed the ground floor area of the principal building.

2. Measurement of setbacks. Measurement of setbacks for accessory structures shall be consistent with Section 6.1 B., 1.: Measurement of Setbacks

3. Accessory structure height. No accessory structures shall exceed twenty feet (20) in height and one (1) story, except in the case of an accessory structure containing an accessory dwelling unit located above a garage constructed on a parcel already containing a principal building. No accessory structure consisting of a garage and accessory dwelling unit shall exceed 25 feet in overall height. In the case of the Future Development zoning district an accessory structure may have a 35-foot maximum height limit if it is located on a parcel where a principal structure already exists. Accessory structure height shall be measured in accordance with Section 6.1 C: Building Height.

4. Storage canopy. Storage canopies as defined shall comply with the following conditions.

- a. Storage canopies shall be located in an interior side yard or rear yard
- b. Shall be limited to one (1) storage canopy per parcel
- c. Shall be located no closer than three (3) feet from any parcel line and shall maintain a six (6) foot separation from any principal or accessory building
- d. Shall not be located on a vacant parcel
- e. Shall be maintained in a reasonable state of repair to prevent them from becoming a public nuisance
- f. Shall be securely anchored and stabilized so as not to shift in the wind or present a public safety hazard.

5. Accessory structures without a principal building. An accessory structure may be constructed on public lands or at a commercial recreation facility, including campgrounds and outdoor shooting ranges, when the land or facility is issued a permit for, or approved by, the Zoning Administrator or Designated Authorized Agent, as a principal use.

6. Other standards. Accessory structures shall meet all other applicable standards pursuant to Section 6.1 B Setbacks, Section 6.1 D: Impervious Coverage, Section 6.1 H: Vision Triangle, Section 6.7: Exterior Lighting and all other applicable standards identified with the approval or permit.

SECTION XXXII

Section 12.2 Defined Terms shall be amended to read as follows:

Accessory use, structure, or building. A use, structure, or building subordinate to the principal use of a building or to the principal use of land and is located on the same parcel and serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses or structures to residential principal uses may include but are not limited to: Garages, carports, decks, greenhouses established for more than ninety (90) days, manufactured fabric structures (such as those designed for storing cars, boats, or equipment but excluding various recreational tent structures pursuant to Section 5.1, I: Recreational Vehicles, Trailers and Camping other parking spaces, patios, swimming pools, tennis courts, tree houses and tool sheds. Structures consisting of garage space on the first floor and living quarters above are considered accessory dwelling units subject to Section 5.1E and 5.6.

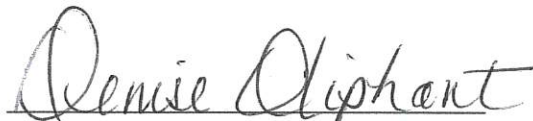
SECTION XXXIII

Effective Date. *This ordinance shall take effect on the day after publication.*

PASSED: July 30, 2024
PUBLISHED: August 8, 2024



Aldersperson

ATTEST:


Denise Oliphant, City Clerk


Matthew MacKenzie, Mayor

APPROVED AS TO FORM:


Tyler W. Wickman, City Attorney