



Take notice that the City of Ashland Common Council will meet at 6:00 PM in the City Hall Council Chambers, 601 Main Street W. Ashland, WI to consider and act upon the following agenda.

To attend virtually, the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/500263957>

Or dial in using your phone. United States (Toll Free): 1-877-309-2073 Access Code: 500-263-957

Please contact the Clerk's office if you require accommodations to attend the meeting.

Tuesday, July 30, 2024 Ashland City Council Meeting Agenda

1. CALL TO ORDER

- A. Roll Call, Moment of Silence and Pledge of Allegiance

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

- A. July 9, 2024 City Council and Committee of the Whole Meeting Minutes

4. CITIZEN PARTICIPATION PERIOD

5. MAYOR'S REPORT

- A. Announcements
- B. Appointments

6. CONSENT AGENDA

- A. Miscellaneous Minutes

7. OLD BUSINESS

- A. Approve to Enter Into a Services Agreement with Fish Creek Restoration LLC for the Bay City Creek Riparian Corridor Restoration Project (Parks) Roll

8. NEW BUSINESS

- A. Consideration to Accept a Grant Agreement between the State of Wisconsin Department of Administration Division of Intergovernmental Relations Wisconsin Coastal Management Program and the City of Ashland for the Ashland Rails to Trails System: Waterfront Trail Repair (Parks) Roll

- B. **Consideration of an Ordinance to Amend Chapter 781 (1764) Unified Development Ordinance (U.D.O.) and Zoning District Map in Palphlet Form, Ashland City Ordinances** *(Planning)* Roll

9. ADJOURNMENT

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact the City Clerk's Office at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

MEETING MINUTES
ASHLAND CITY COUNCIL
Tuesday, July 9, 2024 – 6:00 PM
Ashland City Hall Council Chambers

1. CALL TO ORDER - NOTE: This agenda has been amended since its initial publication.

The Tuesday, July 9, 2024 Ashland City Council meeting was called to order by Mayor Matt MacKenzie at 6:02 p.m.

A. Roll Call, Moment of Silence and Pledge of Allegiance

Roll call was taken, a Moment of Silence was held, and the Pledge of Allegiance was recited.

PRESENT: Sarah Jackson, Ana Tochtermann, Andrew Goyke, Charlie Ortman, Nancy Sztynior

ABSENT: Kevin Seefeldt (Excused), Jim Gregoire (Excused)

ALSO PRESENT: Mayor Matthew MacKenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, City Attorney Max Lindsey, Public Works Director John Butler, Police Chief Bill Hagstrom, and other interested citizens.

The Mayor noted there was a quorum present.

2. APPROVAL OF AGENDA

A motion by Goyke and seconded by Sztynior to approve the agenda as presented, carried unanimously by voice vote.

3. APPROVAL OF MINUTES

A. June 25, 2024 City Council and Committee of the Whole Meeting Minutes

A motion by Ortman and seconded by Goyke to approve the minutes, carried unanimously by voice vote.

4. CITIZEN PARTICIPATION PERIOD

The Clerk read the Rules for Citizen Participation, and the following offered their comments to the Council:

Magge Ericson, 5 Fifield Row has been noticing vehicles "drag racing" across the newly paved

drive between the marina and Kreher Park nearly every weekend causing a lot of noise. She also asked for a patch in the alley near Fifield Row be repaired.

Don Jaskowiak, 121 N Willis Avenue asked for Council to consider budgeting a donation toward next year's fireworks.

Mark Drolson, 2117 3rd Street West, Celebrations Inc, told of the cost of the recent fireworks and asked to be included in the City's budget for 2025.

Ed Monroe, 614 10th Avenue West, spoke to the placement of the planned new water intake pipe, and the possibility of a buried repair pipe already in place.

5. MAYOR'S REPORT

A. **Announcements**

Mac Kenzie noted the recent 4th of July celebrations in the community went well and without incident. He attended a Northwest Regional Planning Commission meeting in Hayward in June. The Ashland Foundation recently awarded funding for an upcoming Encore show at the Bandshell, and for a new refrigerator for the Brick. He also noted a number of local businesses that are relocating within the City, and advised of safety precautions with the warm weather in the forecast.

B. **Appointments**

A motion by Tochtermann and seconded by Sztynodor to approve the appointments, carried unanimously by voice vote. Those appointments include:

Beth Gehred to the Sustainability Committee for a term ending July 9, 2026; Joseph Mudd to the Historic Preservation Council for a term ending July 9, 2027; Nathan Lawyer and Carl Doersch to the BART Board, both reappointed for a term ending July 9, 2026.

6. CONSENT AGENDA

A. **Approve an Intergovernmental Agreement between the City of Ashland, Ashland County and Bayfield County for Law Enforcement Software (Police, Fire and EMS Departments)**

Goyke moved, seconded by Sztynodor approve the Consent Agenda. The motion passed unanimously by voice vote.

7. OLD BUSINESS

A. **Approve to Reverse Emergency Declaration for the Purpose of Permitting the Timely Repairs of Suspended Sidewalk at 514-516 Main Street West per WI State Statute 62.15(1b) (Public Works) Roll**

Tuesday, July 9, 2024



A motion by Ortman and seconded by Jackson to approve was passed unanimously by roll call vote.

- B. **Approve an Agreement for Professional Construction Engineering Services between the City of Ashland and Greeley & Hansen for the Lake Superior Intake Project** *(Public Works)* Roll

A motion by Jackson and seconded by Goyke to approve the agreement was passed unanimously by roll call vote.

- C. **Approve an Ordinance to Amend Chapter 922 Alcohol Beverages Regulation Regarding Class C Wine Licenses and Other Updates** *(Clerk)*

A motion by Sztynдор and seconded by Jackson to approve the ordinance was passed unanimously by roll call vote.

File No. 2024-2002

8. NEW BUSINESS

The agenda was amended on July 8, 2024 to remove the New Business item.

9. CLOSED SESSION

A motion by Ortman and seconded by Goyke to enter into Closed Session, and allowing Butler to remain during Item 9A, and Hagstrom to remain during Item 9C, passed unanimously by roll call vote.

- A. **Pursuant to WI Stat. 19.85(1)(g): "Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation."** *(WI DNR Consent Agreement) (Mayor)*
- B. **Pursuant to WI Stat. 19.85(1)(g): "Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation."** *(Personnel Claim - DWD Discrimination Complaint) (Administration)*
- C. **Pursuant to WI Stat. 19.85(1)(g): "Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation."** *(Potential Claim - P VandenHurk) (City Attorney)*
- D. **Return to Open Session**
Charlie moved, seconded by Tochtermann to return to Open Session. The motion passed unanimously by voice vote.
- E. **Report of Action Taken During Closed Session**
Mac Kenzie reported there was no action taken during Closed Session.
There was no action taken on Item 9A in Open Session.
A motion by Goyke and seconded by Sztynдор to deny the claim within Item 9B, passed unanimously by voice vote.

A motion by Sztynдор and seconded by Ortman to disallow the claim within Item 9C, passed unanimously by voice vote.

10. ADJOURNMENT

A motion by Goyke and seconded by Ortman to adjourn was passed unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

MEETING MINUTES
COMMITTEE OF THE WHOLE MEETING
Tuesday, July 9, 2024 – 6:00 PM
Ashland City Hall Council Chambers

The Tuesday, July 9, 2024 City of Ashland Committee of the Whole Meeting was called to order by Council President Charlie Ortman at 7:02 p.m.

1. **Roll Call**

PRESENT: Sarah Jackson, Ana tochterman, Andrew Goyke, Charlie Ortman, Nancy Sztynдор.

ABSENT: Kevin Seefeldt (excused), Jim Gregoire (excused)

ALSO PRESENT: Mayor Matt Mac Kenzie, City Administrator Brant Kucera, City Clerk Denise Oliphant, Public Works Director John Butler, Planning Director Steven Wiley, Police Chief Bill Hagstrom, and other interested citizens.

2. **Approval of Agenda**

A motion by Goyke, seconded by Jackson to approve the agenda was approved unanimously by voice vote.

3. **Council President's Report**

Ortman had nothing to report.

4. **Administrator's Report**

Kucera offered his appreciation to the Mayor and Public Works crew for participating in the 4th of July parade.

5. **DISCUSSION ITEMS**

A. **Discussion and Possible Action Regarding Above-Garage or Accessory Dwelling Living Quarters** *(Councilor Ortman)*

The item was introduced by Wiley, although no action was taken.

B. **Discussion and Possible Action Regarding Regulations of Private Wells on Personal Property** *(Councilor Jackson)*

Butler introduced the item and answered questions from Council. No action was taken.

C. **Discussion and Possible Action Regarding Amending Chapter 194, Procurement of Goods and Services, Ashland City Ordinances, to Allow for Greater Efficiency Obtaining Signatures on Contracts** *(Public Works)*

Butler introduced the item and answered questions from Council. A motion by Tochtermann and seconded by Sztynдор to forward this item to the Council agenda for formal approval, was approved unanimously by voice vote.

D. **Discussion and Possible Action Regarding Wisconsin Department of Transportation Urban Area Boundary**
(Public Works)

Wiley and Butler spoke to the item and answered questions from Council. Although no action was taken at this time, Council requested more research be done and be brought back to a future Committee of the Whole meeting.

E. **Presentation and Discussion on Future Streets Projects** *(Public Works)*

Butler offered a presentation for Council. No action was taken at this time.

F. **Discussion and Possible Action Regarding Future Budgeting to Assist Funding for 4th of July Fireworks** *(Councilor Seefeldt)*

In his absence, an email from Seefeldt was read into record regarding the potential assistance in the funding of the 4th of July fireworks through the City's 2025 budget. A motion by Goyke and seconded by Jackson to recognize Tom Stankard to speak to Council was approved unanimously by voice vote. Councilors requested research be done and return this item to a future Committee of the Whole meeting.

G. **Discussion and Possible Action Regarding a Request to Support Redesignation of the Apostle Islands National Lakeshore as a National Park** *(Councilor Ortman)*

Ortman introduced the item. It was recommended to ask a representative of Mr. Tiffany's to come to a meeting for further information.

6. **Items for Future Discussion**

Mac Kenzie asked for a presentation of how City streets are scored and prioritized for future work or improvements.

Goyke asked for a conversation regarding local ATV routes and enforcement of rules involving these vehicles.

7. **Adjournment**

A motion by Goyke and seconded by Jackson to adjourn was approved unanimously by voice vote.

Respectfully Submitted,

Denise Oliphant,
City Clerk

Ref: 2024-177

**COUNCIL AGENDA: 5.B.
(7/30/2024)**

SUBJECT: Appointments

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Mayor

EXHIBITS:

1.	K Matthias - Volunteer Form (redacted)
2.	J Beirl - Volunteer form (redacted)
3.	M Erickson - Volunteer Form (redacted)
4.	M Salmon-Tumas - Volunteer form (redacted) (2)

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH CHAPTER 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

The Mayor is requesting approval of the following appointments/reappointments:

Historical Preservation Council

Magge Ericson, reappointed, term to expire July 30, 2027

Alan Smiles, appointment, term to expire July 30,2027

Harbor Commission

Alan Smiles, reappointment, term to expire July 31, 2027

Katie Matthias, appointment, term to expire July 31, 2027

Board of Zoning Appeals

John Beirl, reappointment, term to expire July 30, 2027

Sustainability Committee

Meghan Salmon-Tumas, appointment, term to expire July 30, 2026

Parks & Recreation Committee

Axel Peterman, reappointment, term to expire April 30, 2027

Find yourself next to the water.

ASHLAND

City of Ashland, Wisconsin

601 Main Street West — Ashland, WI 54806 — www.coawl.org

OFFER TO VOLUNTEER FORM

I would like to be considered a nominee for the following committee or committees:

My husband? I moved to Ashland almost four years ago. We enjoy living here? I am looking to be more involved in my community through the Harbor Commission.

Write a brief statement of education and training:

I have a bachelor's degree in Biology Teaching, a master's in Curriculum Instruction, I am completing my thesis for a second master's degree.

Biography: (Need a sense of who you are as an individual. For example, general background, work history, life experiences, volunteer activities, special interests, special skills, hobbies, personality, people skills, etc.)

My hobbies have always centered around the outdoors? water, particularly through sailing. From cruising with my family to racing on Lake Michigan, I enjoyed being a part of my crew? helping out at the yacht clubs. I organized? helped at regatta competitions? social events. I have strong social communication skills, am easy to work with? am comfortable with technology.

Individual references/referred by (please include phone #):

Bonnie Stegmann

Contact information:

Katie Matthias

Name (Please print)

Phone #

704 MacArthur Avenue

Address

Email

Date

6/21/2024

OFFER TO VOLUNTEER FORM

Mayor Debra Lewis, City of Ashland, 601 Main Street West, Ashland, WI 54806
Phone: 715-682-7071 Fax: 715-682-7048 dlewis@coawi.org

I would like to be considered a nominee for the following Committee or Committees:

Board of Zoning Appeals. Plan Commission

Brief statement of education and training:

Familiarity with real estate transactions and municipal rules/regs in my banking experience.

Biography:

(Need a sense of who you are as an individual. Examples: general background, work history, life experiences, volunteer activities, special interests, special skills, hobbies, personality, people skills, etc.)

Born and raised in Ashland. Bachelor's Degree in Economics and MBA in Finance from
UW-Madison. Employed in banking for 32 years -- at local Northern State Bank for 18
years. Currently, Bank President.

Individual References or Referred by (include phone #):

Gary Ellefson - CEO @ Northern State Bank - 682-2772

Gary LaPean - business owner in Ashland - 682-3100

Contact Information: John H. Beirl

Name (Print)

Phone Number

821 Third Avenue East - Ashland, WI 54806
Address

Email

Sept. 17, 2015
Date

(Forms Directory: Volunteer Form)

Margaret C. Ericson
5 Fifield Row
Ashland, WI 54806

Cell: [REDACTED]

Education:

University of Denver, University College, Denver, Colorado

Masters of Applied Science

Environmental Policy and Management,

Thesis: An Analysis of the Fragmentation of Hydrology and Habitat of the Forested Wetlands of the Halpata Tastanaki Preserve with A Remediation and Restoration Plan of Connectivity

Eckerd College, St Petersburg, Florida

Bachelor of Arts with Distinction, Organizational and Environmental Studies

University of Minnesota, Minneapolis, Minnesota

Associate of Arts, Recreation Administration

Experience:

Program Manager

City of Crystal River, Kings Bay Waterfronts Florida Partnership

Crystal River, Florida

Responsibilities included working with an appointed board to achieve the mission of the Waterfronts Florida Program which was to sustain the traditional waterfront economy and activities. Developed with Waterfronts Board two community wide surveys and visioning programs; assisted in completion with the University of Florida Law Center and Waterfronts Board a model historic preservation ordinance for the comprehensive plan revision; wrote Florida Coastal Management grant application that was awarded for development and construction of adaptive kayak launch; wrote grant application by request from Christopher Reeve Foundation for a quality of life grant; coordinated two state wide program managers' meetings; created with Waterfronts Marketing Committee a sidewalk chalk festival for downtown area; assisted in coordination of annual holiday tree lighting; coordinated with the Water Quality Committee, a resolution for water quality in Kings Bay; brought the Walkable Community Program by Dan Burden to Crystal River; with the Board designed two community celebrations; BayFest Nature Festival, a celebration of the unique ecosystem of Kings Bay and the Florida Cracker Camp at the Manatee Festival; and coordinated development of an environmental educational center at Kings Bay Park.

Consultant

The Ericson Group

Dunnellon, Florida

Community Development and Community Asset Building

1. Contracted with Crystal River Community Redevelopment Agency to assist with grant writing of a Florida Forever Grant and nomination process for the Waterfronts Florida Program; community asset building with downtown merchants through weekly contact and newsletter; to assist in coordination of Florida Waterfronts Partnership Orientation Workshop, coordinated special events in business district, and holiday lighting program. Developed newsletter for the CRA district, published twice monthly.

2. Main Street Annual Conference Presenter, St. Petersburg

3. Certified Florida Main Street Consultant by National Trust for Historic Preservation

Program Manager

Dunnellon Main Street Program

Dunnellon, Florida

Duties included coordination of the Main Street Four Point Approach with committees and Executive Board.

Coordinated and developed agenda for the Main Street manager's quarterly meeting in Dunnellon. Initiated the nomination of two state awards that were awarded to Dunnellon Main Street (Outstanding Retail Promotion and Outstanding Citizen). Facilitated a Streetscape Vision for Pennsylvania Avenue with Main Street Board and landscape architect. Coordinated membership appeals through diverse marketing approaches; monitored membership retention of businesses and individuals. Developed budget to sustain organization.

Coordinator of Volunteer Services

Weiner Memorial Medical Center

Marshall, Minnesota

Responsibilities were to design, develop and organize volunteer and auxiliary programs in the facility that included thrift shop, gift shop, junior volunteer program, information desk, and nursing home activities. There were over 250 volunteers. With new recruitment strategies and training, the junior volunteer program increased from 3 to 30 in 2 years. Designed and conducted volunteer training programs that identified weaknesses and strengths of the program which would develop new leaders within the hospital auxiliary. Coordinated marketing and advertising for volunteer department, volunteer recruitment and retention programs with other hospital departments. Annual average donation of proceeds from hospital gift shop and auxiliary thrift shop was \$100,000 to the Medical Center. Planned and coordinated with the medical center administration and volunteer input the remodeling of

6,000 square feet new auxiliary thrift shop within the medical facility. Planned and supervised the remodeling of hospital gift shop that doubled the sales floor and upgraded the coffee shop with new fixtures for under \$7,500. Responsible for department budget.

Executive Director

Minnesota Star of the North Summer Games

Moorhead, Minnesota

Planned with volunteer board and state staff amateur state games. Negotiated contracts for sports venues with two colleges; and Fargo, North Dakota and Moorhead, Minnesota Parks and Recreation Departments. Prepared bid specifications for concessions and other related items. Duties included marketing plan for games to participants and spectators; developed fund raising plan with volunteers for financial support to the games; recruited volunteers on a statewide basis. Developed budgets.

Volunteer Experience:

Ashland, Wisconsin

Member of Ashland Historical Preservation Commission

Past Member of Ashland Planning Commission

Past Volunteer Coordinator And environmental Educator
Northern Great Lakes Visitor Center

Dunnellon, Florida

Chair and member of City of Dunnellon Planning Commission

Presented Annual Award by Dunnellon Chamber of Commerce
for Community Involvement by A Citizen

Crystal River, Florida

Founding Board Member of Friends of Chassahowitzka Wildlife
Refuge , Crystal River , Florida

Citrus County and
Crystal River, Florida

Volunteer In Service To America (VISTA)

Awarded: Trailblazer Award for “Contributing to the Florida
State Rural Development Council and Ultimately the Citizens of
Rural Florida”

Balaton, Minnesota

As citizen wrote grant for beautification project of city park
with Minnesota Highway Department.

Find yourself next to the water.

ASHLAND

City of Ashland, Wisconsin

601 Main Street West Ashland, WI 54806 www.coawi.org

OFFER TO VOLUNTEER FORM

I would like to be considered a nominee for the following committee or committees:

Sustainability Committee

Write a brief statement of education and training:

PhD in geography (2013); served five years on Northland College's Sustainability Workgroup; led Climate Action Planning.

Biography: (Need a sense of who you are as an individual. For example, general background, work history, life experiences, volunteer activities, special interests, special skills, hobbies, personality, people skills, etc.)

I am currently an Assistant Professor of Climate Science at Northland College. I have lived in Ashland with my family since 2015. I served on the Parks & Rec Committee since 2017, as secretary since 2020. I like bikes, books, music, mindfulness, and delicious 'healthy' foods.

Individual references/referred by (please include phone #):

Sara Hudson [redacted], Amy Amman [redacted],
Lissa Radke [redacted], Kate Ullman [redacted]

Contact information:

Meghan Salmon-Tomas

Name (Please print)

Phone #

1016 Chapple Ave 54806

Address

Email

Date

5/23/24

AIRPORT COMMISSION MEETING MINUTES: **Thursday, May 23, 2024**

1. Roll Call

- a. Lloyd Orensten, Carol Ortman, John Coffey, Blake Ellefson, Richard Huber
PRESENT: Lloyd Orensten, Richard Huber, John Coffey, Carol Ortman

ABSENT: (Excused) Blake Ellefson

ALSO PRESENT: Airport Manager Bill Moore, Airport Manager Derek Hall

2. Approval of Minutes

- a. Review, Complete, and Approve May 2, 2024 Meeting Minutes
Motion to Approve Minutes: Huber
Second: Coffey
Vote: Passes Unanimously

3. Citizen Participation Period

No members of the public present.

4. Commission Items

- a. Bretting Hangar and Fuel Farm Discussion
Moore presented a letter he authored to Titan Fuels regarding the process if Titan did purchase the fuel farm. Moore has not received a response from Bill Kovac at Titan Fuels. Moore also presented a letter to the Bureau of Airport regarding eligibility for assistance if the airport were to lease the fuel farm, BoA responding saying leasing the fuel farm puts federal assistance in a gray area to receiving funding for a new fuel farm and could not provide clear guidance if the Airport decided to lease the fuel farm from Bretting.

Motion to purchase the fuel farm from Bretting for \$32,500 over three years in installments: Ortman
Second: Huber
Vote: Passes Unanimously

- b. 2023 Wisconsin Act 12-Personal Property Exemption Discussion
Moore presented a letter received from the Bureau about how other airports are handling the changes in the Personal Property Tax Law. Commission members

asked Moore to pursue a legal description of each lot to achieve an assessment of value as a part of a "user fee." Ortman objected to the Commission being put in the position to come up with a solution to a problem that belongs to the City.

- c. Liability Insurance Regarding Jet A Fuel Farm
No discussion, No action.

5. Airport Manager's Report

Moore reported that the grass is growing like crazy and mowing has been taking place as much as possible with the rain. There are a few runway lights out, Moore is going to be replacing them with Derek Hall for training. Moore inquired with the Commission as to when they would see him to be done, Moore is planning on July 1, but depends on how Hall is doing with training. Hall will be attending a fueling school in late September as it is a requirement for someone to be training.

6. Approval of Bills

Bills for the month:
Holding tank pumping - \$150
Motion to approve bills: Huber
Second: Ortman
Vote: Passes unanimously

7. Set Next Meeting Date

June 27th at 4:30 PM at the JFK Terminal.

8. Adjournment

Motion to adjourn: Ortman
Second: Coffey
Vote: Passes Unanimously

Ref: 2024-178

COUNCIL AGENDA: 7.A.
(7/30/2024)

SUBJECT: Approve to Enter Into a Services Agreement with Fish Creek Restoration LLC for the Bay City Creek Riparian Corridor Restoration Project (*Parks*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: Legal Counsel
Administration
Proposal approved by Council, March 12, 2024

EXHIBITS:

1.	Fish Creek Restoration LLC Services Agreement
2.	Fish Creek Restoration Proposal - Bay City Creek Assessment & Concept Design

EXPENDITURES REQUIRED: \$ 53,170.00 - Contract approved in March 2024

AMOUNT BUDGETED: \$ 150,000.00 - USFWS Coastal Program Grant
\$ 500,000.00 - DNR GLRI FA3 Funding
\$ 650,000.00 = Total

APPROPRIATION REQUIRED:

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on March 7, 2024 that Fish Creek Restoration LLC is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

COMPLIANCE WITH CHAPTER 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

The City Staff is seeking approval to enter into a Service Agreement with Fish Creek Restoration, LLC for the Bay City Creek Riparian Corridor Rehabilitation Project. At their March 12, 2024 meeting, Council approved entering into a contract with Fish Creek Restoration, LLC to assess and create a concept design for the Bay City Creek Riparian Corridor Rehabilitation Project.

The Bay City Creek project is a multi-faceted project which will focus on the assessment of the failing stream banks, gather geomorphic and hydrological data, create a habitat management plan for the corridor, inventory the storm sewer outfalls in the sub-watershed, recommend, design and engineer plans for green infrastructure BMPs to reduce, and clean currently uncontrolled runoff from the snow storage site.

The City will work with Fish Creek Restoration LLC to undertake a geomorphic assessment of the Bay City Creek riparian corridor and develop concept-level restoration plans for the City's snow dump site. The geomorphic assessment will focus on identifying stream forms and processes throughout the system. This understanding will help guide future restoration plans and inform site-specific designs. At the snow dump site, we will develop conceptual design alternatives to improve the water quality of Bay City Creek. The City of Ashland has been awarded funding for the US Fish and Wildlife Services Coastal Program for planning, designing and implementing habitat and stream bed modifications, using the best management practices (BMPs), to enhance the urbanized Bay City Creek Riparian Corridor to improve water quality and habitat (both terrestrial and aquatic) for critical species such as the Northern long-eared bat, Canada warbler and mudpuppy.

The City has received funding from the US Fish and Wildlife Service Coastal Program and the Wisconsin Department of Natural Resources (WI DNR) Great Lakes Restoration Initiative (GLRI) Focus Area 3 for this project. The City worked with the Lake Superior Collaborative (LSC) to create the proposal titled *Fish Creek Watershed 9 Key Element Watershed Plan Development & Implementation of Sediment & Nutrient Reduction Projects*. The Bay City Creek Riparian Corridor Restoration Project was part of the proposals as the Bay City Creek is a sub-watershed of the Fish Creek Watershed. Funding will be used to do storm sewer survey and data collection, engineering planning and design of green infrastructure, implementation of green infrastructure at the city snow dump, and implementation of the habitat and restoration plan. This proposal is pending and is expected to be awarded later in 2024.

FISH CREEK RESTORATION LLC SERVICES AGREEMENT

THIS AGREEMENT for professional services ("Agreement") is effective this July 30, 2024 ("Effective Date") by and between Fish Creek Restoration LLC, the Wisconsin limited liability company ("FCR"), and the City of Ashland, a Wisconsin municipality ("Client"). Client and FCR are also referred to in this Agreement as the "Parties" and each a "Party."

RECITALS

A. Client wants to retain FCR to provide evaluation, consulting, project design, monitoring and/or construction observation services related to a surface water body.

B. FCR has agreed to provide the services Client wants on the following terms and conditions.

NOW, THEREFORE, in consideration of the mutual covenants of the Parties described in this Agreement and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by each Party, the Parties agree as follows.

TERMS AND CONDITIONS

1. FCR's Services. FCR will provide the services described in the FCR Project Proposal dated February 26, 2024 which has been accepted by Client and attached to this Agreement as the "Scope of Work" ("SOW") (the "Services"). FCR will deliver any report or other deliverable described in a SOW (each a "Deliverable"). The provisions of any SOW (Proposal) are incorporated in this Agreement. Each SOW shall include the name of the project to which it applies (the "Project").

2. Performance Requirements for Services and Deliverables. FCR will perform the Services in a professional and workmanlike manner in accordance with the highest industry standards and practices. FCR will perform the Services in a timely and efficient manner; maintain accurate plans, protocols and work logs documenting how the Services were conducted; and use skilled and experienced personnel, equipment and tools to perform the Services.

3. Subcontracting. FCR will use the services of a third party contractor to complete the work as described in the Scope of Work. FCR will not use the services of any other third party contractor to complete the Services without first obtaining Client's written approval.

4. FCR's Fee. In consideration for FCR performing the Services and supplying the Deliverable(s), Client shall pay FCR the amount(s) on the payment terms as stated in the SOW(s). Client shall not withhold any amount owed to FCR for payment of taxes. FCR shall be solely responsible for paying any taxes on any compensation it receives from Client for any Service or Deliverable.

5. Reimbursement for Out of Pocket Expenses. Client will reimburse FCR for any expenses FCR incurs which are specific to the Project, if expense reimbursement by Client is specifically required and described in the SOW. Client shall pay any expense reimbursement within thirty (30) days after FCR delivers to Client all receipts, invoices or bills which clearly substantiate the expenses incurred by FCR for the Project.

6. FCR Invoicing. FCR shall submit one or more invoices to Client consistent with the compensation owed to FCR and payment schedule described in the SOW(s). If the SOW provides that payment will be owed for a portion of the Services completed or Deliverables supplied, the invoice shall specifically identify the relevant portion, section, percentage, or item FCR has performed or completed. Each invoice shall clearly reference this Agreement and the name of the Project. Together with the first invoice FCR delivers to Client, FCR shall deliver a signed IRS Form W-9.

7. Late Payments. Client shall owe interest on any amount not paid to FCR by the due date for the payment as provided in this Agreement at the rate of ten percent (10%) per annum.

8. Compliance with Law. FCR will comply with all applicable federal, state and local laws and regulations in rendering the Services, supplying the Deliverables and performing its obligations under this Agreement.

9. Independent Contractor Relationship. The Parties acknowledge and agree that they are, and at all times during the term of this Agreement shall remain, independent contractors in relation to each other. Neither Party nor its employees or agents are authorized to make any representations, commitments or agreements on the other Party's behalf, unless authorized by such Party in writing in advance. Neither this Agreement nor FCR's performance of the Services or providing any Deliverable, shall create or be deemed to create a partnership, joint venture, dealership or employment relationship between the Parties.

10. Property Rights. Under copyright law, any Deliverable shall be a "work made for hire" and Client shall exclusively own the right, title and interest in and to the Deliverable, including the right to reproduce the Deliverable as Client chooses. Client hereby grants to FCR a license to retain one or more copies of any Deliverable as part of FCR's portfolio, and to display the Deliverable to other of FCR's clients and potential clients exclusively for the purpose of explaining or illustrating the services and deliverables FCR offers. FCR owns and shall retain ownership of all methods, technologies, databases, working papers, equipment, tools, and vehicles it uses to provide any Service or Deliverable. Client may make and retain copies of FCR's working papers, however, such material is not intended to, and FCR does not represent that such materials, are suitable for reuse upon modification of a Project or on any other Project, and any such reuse shall be at Client's risk. Client shall acquire no ownership or other interest in FCR's property by virtue of this Agreement or receipt of any Service or Deliverable.

11. Confidential Information. If any information FCR obtains from Client is not to be disclosed by FCR to any third party, the information shall be described in the SOW. When Client discloses such information to FCR, it must clearly identify in writing that the information is confidential and subject to FCR's nondisclosure obligation. If the information is not described in the SOW as confidential and specifically designated by Client as confidential when FCR obtains it, FCR shall not be obligated to protect the information from disclosure to third parties. Upon termination of this Agreement, FCR shall return any of Client's confidential materials to Client except FCR may retain a copy of any information which supports any conclusion in a completed Deliverable or Service. FCR's nondisclosure obligation as described in this paragraph will extend for two (2) years after the expiration or termination of this Agreement. Regardless of Client's designation, FCR shall have no obligation to protect the confidentiality of any information which is publicly available, disclosed to the public by Client, or which is the subject of a court order to disclose such information.

12. Term. This Agreement shall be effective as of the Effective Date and until the completion or expiration date provided in the SOW.

13. Termination Prior to Completion or Expiration Due to Cause. Client may terminate this Agreement prior to its expiration if FCR breaches any material term or condition of this Agreement, provided, Client provides FCR written notice of the alleged breach and FCR fails to remedy the alleged breach within fifteen (15) days after FCR's receipt of such notice. FCR shall be allowed more than 15 days to remedy the defect if it will take more than 15 days to complete the remedy, and FCR commences the remedy promptly and continues to diligently pursue completion of the remedy. FCR may terminate this Agreement prior to its expiration if Client breaches any material term or condition of this Agreement, including failure to pay FCR when payment is due, provided, FCR provides Client written notice of the breach and Client fails to remedy the breach within fifteen (15) days after Client's receipt of notice. Client shall be allowed more than 15 days to remedy a breach other than failure to make timely payment, if it will take more than 15 days to remedy the breach and Client commences remedying the breach promptly upon receipt of notice and continues to diligently pursue the remedy is completed.

14. Effect of Termination. Upon any termination or expiration of this Agreement, FCR shall deliver to Client all completed work product and Deliverables. Client shall pay FCR for all completed Services and Deliverables, provided, FCR provides Client a final invoice for the same. Sections 4, 5, 6, 7, 9, 10, 11, 19, 21, and 23 of this Agreement shall survive the expiration or termination of this Agreement.

15. FCR's Representations. FCR warrants and represents:

- (a) FCR is licensed to render the agreed upon Services to the Project and to supply the Deliverables described in the SOW(s), and that it maintains all necessary licenses, permits and registrations.
- (b) FCR will comply with all applicable federal, state and local laws, rules and regulations in providing the Services and Deliverables.

16. Client's Representations. Client warrants and represents it has the legal authority and right to enter into this Agreement and to perform its obligations as set forth in this Agreement. Client shall allow FCR access to any property Client owns or controls and shall obtain permission for FCR's access to any property Client does not own or control, which FCR needs to access for the Project.

17. Changed Conditions. If any physical conditions under which FCR must work in order to fulfill its obligations under this Agreement change between the Effective Date and the time for performance, FCR shall notify Client. Upon Client's receipt of such notice, the Parties shall meet to discuss amendments to this Agreement to accommodate the changed conditions, and FCR will continue providing the Services under such revised terms and conditions as the Parties agree apply. FCR shall be relieved of its obligation to perform the Services and supply the Deliverables described in this Agreement if physical conditions have changed between the Effective Date and the date of performance.

18. Insurance. FCR maintains worker's compensation insurance coverage as required by law. In addition, FCR maintains professional liability insurance with limits of \$1,000,000 per claim and

aggregate, comprehensive general liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, pollution liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, and vehicle liability insurance with a \$1,000,000 combined single limit. At Client's request, FCR will provide certificates of insurance to Client as proof FCR maintains such coverages.

19. Indemnification. FCR shall defend, indemnify and hold harmless Client and its officers, agents and employees for and against any and all claims, judgments, liabilities, losses, damages, actual attorney fees, and settlement expenses arising from or related to any allegation which, if true, would constitute a breach of any of FCR's obligations or representations under this Agreement, or to any acts or omissions by FCR in providing the Services or Deliverables described in this Agreement whether due to bodily injury or death of any person and damage or loss of any property. Client will defend, indemnify and hold harmless FCR for and against any and all claims, judgments, losses, expenses, liabilities, and reasonable costs and attorney fees arising from or related to any allegation which, if true, would constitute a breach of any of Client's obligations or representations under this Agreement, or to any acts or omissions by Client in performing its obligations under this Agreement whether due to bodily injury or death of any person and damage or loss of any property.

20. Notice. Any notice or communication required by this Agreement shall be deemed delivered when personally delivered, or deposited, postage prepaid, with the U.S. mail for first class delivery, properly addressed according to the information accompanying the Party's signature to this Agreement, or delivered to the Party's email address as set forth with the Party's signature to this Agreement, provided, the receiving Party confirms receipt by email.

21. Limitation of Liability. Each Party agrees that in no event will either Party or its officers, directors, employees or agents be liable for any exemplary, special, incidental, or reliance damages, including but not limited to, lost revenue and lost profits, arising from or relating to this Agreement, whether in contract, tort or otherwise.

22. Entire Agreement and Amendment. This Agreement including any signed and dated SOW(s), contains the entire agreement and understanding between the parties with respect to the subject matter covered by this agreement, and supersedes all prior and contemporaneous oral or written understandings, representations or agreements. This Agreement may not be modified or amended other than by a writing signed by an authorized representative of each Party.

23. Governing Law and Jurisdiction. This Agreement shall be interpreted and enforced according to the laws of the State of Wisconsin. Any action brought to interpret or enforce any provision of this Agreement shall be commenced and maintained in the circuit court of Ashland County, Wisconsin, and each Party consents to the jurisdiction and venue of such court for such purposes.

24. Counterparts. This Agreement may be signed in counterparts, each of which shall be considered an original, and all of which together will constitute one and the same instrument.

25. No Waiver. Any waiver or failure to enforce any provision of this Agreement by either Party will not be deemed a waiver of any other provision or of that provision on any other occasion. No waiver will be enforceable unless in writing and signed.

26. Binding Agreement and Assignment. FCR shall not assign, transfer, delegate or subcontract any of its obligations or rights under this Agreement without the prior written consent of Client. Client shall have the right to assign all, but not less than all, of its rights and obligations under this Agreement, provided, FCR shall have no obligation to recognize or act in accordance with such assignment until provided written notice of such assignment by Client which notice includes the assignee's written commitment to pay the compensation that will be owed to FCR under this Agreement.

27. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable, the Parties agree to modify the provision to accomplish the original intent of the Parties, and, in any event, the remaining provisions of this Agreement will continue in full force and effect.

28. Conflict Between SOW and Terms and Conditions. If any provision in the preceding paragraphs conflicts with the provisions of a SOW, the provisions of the SOW shall control.

29. Force Majeure. A Party will not be considered in breach of this Agreement nor liable to the other Party for failure or delay in performance of any obligation under this Agreement which is caused by or is a result of an event of force majeure. The time of performance of an affected obligation will be extended for the period of the event of force majeure, provided, if the event of force majeure continues for a period of more than sixty (60) calendar days, either Party may terminate this Agreement effective ten (10) days after providing written notice of termination to the other Party. An event of "force majeure" includes earthquake, flood, storm, wildfire, and other extreme acts of nature, war, riot, terrorism, or any change in federal, state or applicable law which results in a Party's inability to materially comply with the terms and conditions of this Agreement.

Each Party's authorized representative has signed this Agreement below in acceptance of the terms and conditions it contains.

CLIENT:

FISH CREEK RESTORATION LLC

By: _____

By: _____

Name: _____

Benjamin Lee, Manager

4321 Upland Drive

Madison, WI 53705

Title: _____

Phone: 608-977-1856

ben@healthystreams.com

Address: _____

Phone: _____

Email: _____



February 26, 2024

Sara Hudson
Director, City of Ashland Parks and Recreation
601 Main St W
Ashland, WI 54806

Dear Sara:

Bay City Creek is the largest stream flowing through the City of Ashland. The stream is relatively sensitive to changes in land use and has been impacted by City infrastructure. Channel incision and large bank erosion deliver large sediment loads. Storm sewer outfalls discharge untreated runoff directly to the channel, and the City dumps snow from streets directly in the floodplain. Unfortunately, the poor water quality impacts the City's drinking water intake near the mouth of the stream.

The City would like to address water quality problems in Bay City Creek while also considering public access opportunities. Stream restoration activities should integrate with potential hiking/biking trails while improving aesthetics. Invasive species, including honeysuckle and buckthorn have taken over the riparian area and deter access. Restoration of the stream has recently been possible given the grant funding available in the Great Lakes. The City obtained a grant from the U.S. Fish & Wildlife Service to investigate the stream and develop restoration plans. Several other opportunities will likely be available to fund construction.

We can help the City understand channel changes in the stream and develop plans for restoration. Lake Superior tributaries in Wisconsin have undergone similar hydrologic and geomorphic changes over the last 150 years. We have completed detailed assessments and developed successful restoration projects for several of these systems. This local experience will translate into an effective and efficient product for the City.

The attached document describes the proposed scope of work and budget to undertake a geomorphic assessment and develop concept-level restoration plans for the City's snow dump site. The geomorphic assessment will focus on identifying stream forms and processes throughout the system. This understanding will help guide future restoration plans and inform site-specific designs. At the snow dump site, we will develop conceptual design alternatives. Pros and cons will be presented along with an approximate budget for each. Once a concept-level plan has been accepted, we can work with you to develop final design plans, obtain project permits, and oversee construction. Please feel free to contact me with any questions or clarifications.

Best regards,

Ben Lee, PE

Scope of Work

The following scope of work outlines tasks to be completed on Bay City Creek in Ashland, Wisconsin.

1.0 Geomorphic Assessment

Fish Creek Restoration LLC (FCR) will assess the physical conditions of the stream and floodplain, including:

- 1.1 Historical Channel Position** – Historical channel locations will be investigated in old aerial photos, U.S. Geological Survey topographic maps, and General Land Office Surveyor data. The channel banks for each dataset will be delineated and overlaid to understand meander migration. Abandoned channel segments will be identified to be visited in the field to estimate rates of vertical channel change.
- 1.2 Geomorphic Survey** – After the desktop investigation of historical channel positions, we will complete a survey of the stream and floodplain at 6 locations. Cross sections will be surveyed across the valley bottom to document the current channel, historical channel, and other terrace grades and dimensions. A longitudinal profile will be surveyed to define the channel slope, bank heights, historical channel elevations, and vegetation elevations. The length of each survey will encompass an area at least two channel meander wavelengths.
- 1.3 Sub-surface Investigation** – Sediment composition and layers will be identified and surveyed in the channel and floodplain at the 6 geomorphic survey locations. Hand probes and soil corers will be used along cross sections to define general characteristics (e.g., sandy loam, clay, gravel).
- 1.4 Storm Sewer Infrastructure** – The storm sewer infrastructure that drains to Bay City Creek will be surveyed. We will locate catch basins, inlets, and outfalls. The inlet elevations, pipe diameter, invert elevations, and sump depths will be recorded. Together the data will provide the basis for estimating flow rates and erosion at outfalls in Bay City Creek.

Deliverables

- Base map and plots describing geomorphic features.
- Memorandum documenting geomorphic and hydrologic processes and implications for restoration.

Conditions

- Field survey can be completed during leaf-off conditions, without snow or ice cover, and under low flow conditions.
- The City of Ashland will provide site access.
- The site survey is not intended to establish property corners.
- Geotechnical borings are not included in this scope of work.

2.0 Site Survey

FCR will complete a survey of the City's snow dump site at the east end of 3rd Street East. The topography will be surveyed including the channel, floodplain, detention basins, and valley edges. In addition, infrastructure will be surveyed including the roadway, utility poles, railroad bridge, electrical lines, and other observed utilities. Cross sections will be surveyed across the valley bottom to document the current channel, historical channel, and other terrace grades and dimensions. A longitudinal profile will be surveyed to define the channel slope, bank heights, historical channel elevations, and vegetation elevations.

Deliverables

- Base map to be developed in AutoCAD to provide the basis of the design drawings.

Conditions

- Field survey can be completed during leaf-off conditions, without snow or ice cover, and under low flow conditions.
- The City of Ashland will provide site access.
- The site survey is not intended to establish property corners.
- Geotechnical borings are not included in this scope of work.

3.0 Hydraulics & Hydrology

The Bay City Creek hydrologic regime and hydraulic conditions will be investigated to provide a basis for estimating floodplain connectivity, channel-forming flows, and hydraulic analyses. The following items will be completed:

- 3.1 Water Level Monitoring** – One water level logger will be deployed in the stream over one year, excluding periods when the stream is frozen. The logger will be located adjacent to the snow dump site around stream mile 0.7. Although Northland College maintains a logger on their campus, there is a substantial increase in drainage area, including many storm sewer outfalls. Consequently, flow conditions are likely to be different.
- 3.2 Hydrology** – Flood magnitudes, frequency, and volume will be estimated for the stream. The estimates will be based on the Northland College stream gage and U.S. Geological Survey regression equations. The estimates will be validated with the water level monitoring data.
- 3.3 Hydraulics** – A hydraulic model will be created to understand the inundation frequency and sediment mobility in the project reach. We will reach out to the Federal Emergency Management Agency (FEMA) to obtain the current effective regulatory model. New survey data will be used to update the model geometry around the project areas. The model will provide the baseline conditions necessary for documenting proposed hydraulic conditions for permitting.

Deliverables

- Hydrologic and hydraulic results to be incorporated into the report.

Conditions

- This task does not include modeling proposed conditions.
- This task does not include developing a Letter of Map Revision for the Federal Emergency Management Agency.

4.0 Concept Design and Memo

The geomorphic assessment, hydrologic, and hydraulic analyses will be integrated into a memo to document Bay City Creek conditions. The dimensions and rates of change of fluvial features will be described along with implications for aquatic and riparian habitats. Storm sewer infrastructure will be described along with potential treatments to detain or filter runoff.

Stream restoration plans at the snow dump site to provide additional snow storage, reduce direct runoff to the stream, address adjacent streamside bluff erosion, and improve aquatic and riparian habitat. Three concept designs will be prepared for consideration. We will work with LV

Proposal – Bay City Creek Assessment & Concept Design

Brown Studio to create landscape-architect illustrations. The product will be easy-to-read plans that are presentable for public meetings. In addition, LV Brown will help develop watershed-scale maps that highlight watershed issues and potential restoration projects.

Deliverables

- Concept design drawings (3)
- Concept design memo
- Preliminary cost estimate

Conditions

- Final design plans are not included.
- Permitting is not included.

Budget

FCR will complete this scope of work on an estimated time and materials basis. FCR will deliver invoices to the City of Ashland each month for the work completed the preceding month.

Payment of the total owed on each invoice will be due within 30 days of the date on the invoice.

Task	Schedule	Budget
1.0 – Geomorphic Assessment	Completed by June 14, 2024	\$15,220
2.0 – Site Survey	Completed by June 14, 2024	\$6,350
2.0 – Hydrology & Hydraulics	Completed by August 31, 2024	\$12,700
3.0 – Concept Design	Completed by October 31, 2024	\$18,900
Total=		\$53,170

Proposal accepted as approved by Council March 12, 2024



Mayor, City of Ashland



City Clerk



Treasurer/Comptroller

Title	Fish Creek Restoration LLC
File name	Fish Creek Restor...sign Proposal.pdf
Document ID	f747afa152a66116751b87802f7e471fb32b2061
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



03 / 13 / 2024
12:24:28 UTC-5

Sent for signature to Matt MacKenzie (mmackenzie@coawi.org), Denise Oliphant (doliphant@coawi.org) and Jacey Dean (jdean@coawi.org) from doliphant@coawi.org
IP: 68.234.79.202



03 / 13 / 2024
12:30:22 UTC-5

Viewed by Denise Oliphant (doliphant@coawi.org)
IP: 68.234.79.202



03 / 13 / 2024
12:31:00 UTC-5

Signed by Denise Oliphant (doliphant@coawi.org)
IP: 68.234.79.202



03 / 13 / 2024
12:37:57 UTC-5

Viewed by Matt MacKenzie (mmackenzie@coawi.org)
IP: 68.234.79.202



03 / 13 / 2024
12:38:16 UTC-5

Signed by Matt MacKenzie (mmackenzie@coawi.org)
IP: 68.234.79.202

Title	Fish Creek Restoration LLC
File name	Fish Creek Restor...sign Proposal.pdf
Document ID	f747afa152a66116751b87802f7e471fb32b2061
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



03 / 14 / 2024
15:24:36 UTC-5

Viewed by Jacey Dean (jdean@coawi.org)
IP: 68.234.79.202



03 / 14 / 2024
15:26:03 UTC-5

Signed by Jacey Dean (jdean@coawi.org)
IP: 68.234.79.202



03 / 14 / 2024
15:26:03 UTC-5

The document has been completed.

Ref: 2024-179

COUNCIL AGENDA: 8.A.
(7/30/2024)

SUBJECT: Consideration to Accept a Grant Agreement between the State of Wisconsin Department of Administration Division of Intergovernmental Relations Wisconsin Coastal Management Program and the City of Ashland for the Ashland Rails to Trails System: Waterfront Trail Repair (*Parks*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: City Administration
Finance

EXHIBITS:	1.	Grant Agreement between the State of WI DOA DIP WCMP and the City of Ashland
	2.	Wisconsin Coastal Management Program Grant Application
	3.	Ashland Rails to Trails System: Water Front Trail 22nd Ave W to Pig Iron Dock

EXPENDITURES REQUIRED: \$110,000.00 - Estimated Cost

AMOUNT BUDGETED: \$ 40,000.00 - WCM Grant
\$ 60,000.00 - 2024 CIP Fund 481- match from 453 Waterfront
\$ 10,000.00 - In Kind Labor - PW Crew
\$110,000.00 - Total

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH CHAPTER 51: The Mayor and/or Clerk has consented to the placement of this agenda item on the Council agenda as timely action is needed.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN:

SUMMARY STATEMENT:

In 2021, the City of Ashland applied to the Wisconsin Coastal Management Grant Program for the repair of the Waterfront Trail between 22nd Avenue West and the Pig Iron Dock. This request was broken into two grants:

- 1) Design, Engineering and Construction Documents
- 2) Reconstruction.

The Design, Engineering and Construction Documents grant was awarded and accepted in 2022. The City worked with Long Island Engineering to create the plan set and construction documents. This phase of the grant project was completed in June 2023.

Upon completing the initial grant project, the City then began working on the additional paperwork to receive the NOAA funds for the construction phase of the project.

In late June 2024, City staff received an email stating the funds were finally awarded for the reconstruction of the Waterfront Trail between 22nd Avenue West and Pig Iron Dock.

The City will use an in-kind match in the form of staff time by the PW crew to clean the storm water catch basin to the south of the trail near the intersection of Sanborn Ave and the Waterfront Trail. It was initially thought that the undermining of the trail by storm water was caused by an undersized culvert. During the planning phase, it was discovered that the catch basin was just filled with sediment, blocking the culvert, and causing water to run over the trail and damage it.

This project is scheduled to be bid out in Fall/Winter 2024 and be done during the 2025 construction season. The City will ask for a six-month extension from WCM.

In 2021 City staff noticed large cracks in the asphalt of the Waterfront Trail by the Sanborn Avenue intersection. Upon some exploration, it was discovered that the bluff by the trail had sloughed, due to high wind, water and wave action. Federal funding can no longer be used to pay for hardened shorelines, ie rip rap. In 2022, the City budgeted and purchased over 600 tons of rip rap that the City crew placed to protect the shoreline and the Waterfront Trail.

**GRANT AGREEMENT
BETWEEN THE

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF INTERGOVERNMENTAL RELATIONS
WISCONSIN COASTAL MANAGEMENT PROGRAM

AND

CITY OF ASHLAND**

THIS AGREEMENT is made and entered into by and between the Division of Intergovernmental Relations (“Division”), Department of Administration (“Department”), representing the State of Wisconsin (collectively “State”), and **CITY OF ASHLAND** ("Grantee") with a UEI Number of VCYWKD4B17Q9, for the Performance Period of the date this agreement is signed by the State through **June 30, 2025**.

WHEREAS, on behalf of the State, the Department administers the Wisconsin Coastal Management Program ("Program") through the Division to provide funds for eligible activities; and

WHEREAS, it is the intention of the parties to this Agreement that all activities described herein shall be for their mutual benefit; and

WHEREAS, the State has approved an award to the Grantee in the amount of **Fifty-One Thousand Three Hundred Seventy-Five Dollars (\$51,375.00)** and the Grantee agrees to provide **Seventy-Seven Thousand Seventy Dollars (\$77,070.00)** for eligible activities herein described; and

WHEREAS, the terms and conditions herein shall survive the Performance Period and shall continue in full force and effect until the Grantee has completed and is in compliance with all the requirements of this Agreement; and

WHEREAS, this Agreement is mutually exclusive and is distinguished from all previous Agreements between the Grantee and the State and contains the entire understanding between the parties;

NOW, THEREFORE, in consideration of the mutual promises and dependent documents, the parties hereto agree as follows:

The following documents are part of this Agreement:

- 1) This Agreement (including all attachments)
- 2) Grantee’s Proposal (as accepted by the State) See Attachment A

CITY OF ASHLAND

**STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF INTERGOVERNMENTAL
RELATION**

BY: _____
Brant Kucera

BY: _____
Dawn Vick

TITLE: City Administrator

TITLE: Administrator

DATE: _____

DATE: _____

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GENERAL TERMS AND CONDITIONS

ARTICLE 1. CONTRACT ADMINISTRATION

The Division employee responsible for the administration of this Agreement shall be **Lauren Leckwee**, or their designee and who shall represent the Department's interest in review of quality, quantity, rate of progress, timeliness of services, and related considerations as outlined in this Agreement.

The Grantee's employee responsible for the administration of this Agreement shall be **Sara Hudson**, who shall represent the Grantee's interest regarding Agreement performance, financial records and related considerations. The Division shall be immediately notified of any change of this designee.

ARTICLE 2. APPLICABLE LAW

This Agreement shall be governed by the Laws of the State of Wisconsin and the United States. In addition, the Grantee pledges to abide by and comply with the following requirements:

1. Grant funds shall not be used to supplant existing funding otherwise budgeted or planned for projects outside of this program whether under local, state or federal law, without the consent of the State.
2. The Grantee, its agents and employees shall observe all relevant provisions of the Ethics Code for Public Officials under Wis. Stat. Secs. 19.41 *et seq* and 19.59 *et seq*.

ARTICLE 3. LEGAL RELATIONS AND INDEMNIFICATION

The Grantee shall at all times comply with and observe all federal and state laws and published circulars, local laws, ordinances, and regulations which are in effect during the Performance Period of this Agreement and which in any manner affect the work or its conduct.

In carrying out any provisions of this Agreement or in exercising any power or authority contracted to the Grantee thereby, there shall be no personal liability upon the State, it being understood that in such matters the Division and the Department act as agents and representatives of the State.

The Grantee shall indemnify and hold harmless the State and all of its officers, agents and employees from all suits, actions or claims of any character brought for or on account of any injuries or damages received by any persons or property resulting from the operations of the Grantee, or of any of its agents or subrecipients, in performing work under this Agreement. The Grantee shall indemnify and hold harmless the State and all of its officers, agents and employees from all suits, actions or claims of any character brought for or on account of any obligations arising out of agreements between Grantee and subrecipient(s) to perform services or otherwise supply products or services. The Grantee shall also hold the State harmless for any audit disallowance related to the allocation of administrative costs under this Agreement, irrespective of whether the audit is ordered by federal or state agencies or by the courts.

If an audit is required by federal law and if the Grantee is also the recipient of State funds under the same or a separate contract program, then the State funded programs shall also be included in the scope of the federally required audit.

ARTICLE 4. SCOPE OF WORK

1. The Grantee shall supply or provide for all the necessary personnel, equipment, and materials (except as may be otherwise provided herein) to accomplish the tasks set forth on the attached Scope of Work (Attachment A). In the event of a conflict between the summary in Attachment A and the application and/or other supporting documents previously submitted to the State by the Grantee, Attachment A shall control. Changes to the Scope of Work may be made only by written agreement of both the State and the Grantee.

2. Special Requirements apply to public access, land acquisition and habitat restoration projects and are detailed in Attachment C.

3. Work Products - The Grantee shall complete all work tasks that they committed to in their application submission (Attachment A). Failure to meet this requirement may result in termination of this contract under "Cancellation for Cause", Article 12 of this contract.

ARTICLE 5. PERIOD OF PERFORMANCE

The effective period of this Agreement shall be for the period **January 1, 2024** through **June 30, 2025** (the "Performance Period").

ARTICLE 6. STANDARDS OF PERFORMANCE

The Grantee shall perform the project and activities as set forth in the Contract Application and described herein in accordance with those standards established by statute, administrative rule, the Division, and any applicable professional standards.

ARTICLE 7. SUBLET OR ASSIGNMENT OF AGREEMENT

The Grantee, its agents, subgrantees or subcontractors shall not sublet or assign all or any part of the work under this Agreement without prior written approval of the State. The State reserves the right to reject any subcontractor or subgrantee after notification. The Grantee shall be responsible for all matters involving any subcontractor or subgrantee engaged under this Agreement, including grant compliance, performance, and dispute resolution between itself and a subcontractor or subgrantee. The State bears no responsibility for subcontractor or subgrantee compliance, performance, or dispute resolution hereunder.

ARTICLE 8. DISCLOSURE: STATE PUBLIC OFFICIALS AND EMPLOYEES

If a State public official (as defined in section 19.42, Wis. Stats.) or an organization in which a State public official holds at least a 10% interest is a party to this Agreement, this Agreement shall be voided by the State unless timely, appropriate disclosure is made to the State of Wisconsin Government Accountability Board, 212 East Washington Ave., Third Floor, Madison, Wisconsin 53703.

The Grantee shall not engage the services of any person or persons now employed by the State, including any department, commission or board thereof, to provide services relating to this Agreement without the prior written consent of the State and the employer of such person or persons.

ARTICLE 9. NONDISCRIMINATION IN EMPLOYMENT

The Grantee shall not discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in section 51.01(5), Wis. Stats., sexual orientation as defined in s.111.32(13m), Wis. Stats., or national origin. This includes, but is not limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Grantee shall take affirmative action to ensure equal employment opportunities. The Grantee shall post in conspicuous places, available for employees and applicants for employment, notices to be provided by the State setting forth the provisions of the nondiscrimination clause.

Grants estimated to be over fifty thousand dollars (\$50,000) require the submission of a written affirmative action plan by the Grantee. An exemption occurs from this requirement if the Grantee has a workforce of less than fifty (50).

Within fifteen (15) working days after this Agreement is executed, the Grantee shall submit the Affirmative Action Plan/exemption statement to the Department of Administration, State Bureau of Procurement, PO Box 7867, Madison, WI 53707, unless compliance eligibility is current. No extensions of this deadline shall be granted.

Grantee is encouraged to contact this office at (608) 266-2605 for technical assistance on Equal Opportunity requirements.

Failure to comply with the conditions of this clause may result in the declaration of Grantee ineligibility, the termination of this Agreement, or the withholding of funds.

ARTICLE 10. SMALL BUSINESS AND MINORITY-OWNED BUSINESSES

The Grantee shall make positive efforts to utilize small business and minority-owned business sources of supplies and services. Such efforts shall allow these sources the maximum feasible opportunity to compete for contracts or subcontracts to be performed utilizing state or federal funds.

ARTICLE 11. TERMINATION AT WILL

The Division may terminate this Agreement at any time with or without cause by delivering written notice to the Grantee by Certified Mail, Return Receipt Requested, not less than 30 days prior to the effective date of termination. Date of receipt as indicated on the Return Receipt shall be the effective date of notice of termination. Upon termination, the State's liability shall be limited to the actual costs incurred in carrying out the project as of the date of termination plus any termination expenses having prior written approval of the State.

The Grantee may terminate this Agreement with or without cause by delivering written notice to the Division by Certified Mail, Return Receipt Requested, not less than 30 days prior to effective date of termination. Date of receipt, as indicated on the Return Receipt, shall be the effective date of notice of termination. Upon receipt of termination notice, the Grantee shall make available to the Division program records, equipment, and any other programmatic materials. In the event the Agreement is terminated by either party, for any reason whatsoever, the Grantee shall refund to the Division within forty-five (45) days of the effective date of notice of termination any payment made by the Division to the Grantee which exceeds actual approved costs incurred in carrying out the project as of the date of termination.

ARTICLE 12. TERMINATION FOR NONAPPROPRIATION

The State reserves the right to terminate this Agreement in whole or in part without penalty due to nonappropriation of necessary funds by the Legislature or the Federal Government.

ARTICLE 13. FAILURE TO PERFORM

The State reserves the right to suspend payment of funds if required reports are not provided to the State on a timely basis or if performance of grant activities is not evidenced. The State further reserves the right to suspend payment of funds under this Agreement if there are deficiencies related to the required reports or if performance of contracted activities is not evidenced on other contracts between the State and the Grantee in whole or in part.

The Grantee's management and financial capability including, but not limited to, audit results and performance may be taken into consideration in any or all future determinations by the State and may be a factor in a decision to withhold payment and may be cause for termination of this Agreement.

ARTICLE 14. PUBLICATIONS

The Grantee may publish materials produced under this Agreement subject to the following conditions:

- a) All materials produced under this Agreement shall become the property of the Department of Administration and may be copyrighted in its name. The Grantee reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, otherwise use, and to authorize others to use such materials for government purposes.

- b) All reports, studies, videos, websites or other documents resulting from this contract shall acknowledge the financial assistance provided by the Department. The following notation shall be carried on all articles, reports, publications or other documents resulting from this Agreement.

"This (article, report, publication or document) is funded (in whole or in part) by the Wisconsin Department of Administration, Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration under the terms and conditions of this Agreement." (see Attachment B for further guidance).

ARTICLE 15. AMENDMENT

This Agreement may be amended at any time by mutual consent of the parties hereto. Amendments shall be documented by written, signed and data addenda.

ARTICLE 16. SEVERABILITY

If any provision of this Agreement shall be adjudged to be unlawful or contrary to public policy, then that provision shall be deemed null and void and severable from the remaining provisions, and shall in no way affect the validity of this Agreement.

ARTICLE 17. WAIVER

Failure or delay on the part of either party to exercise any right, power, privilege or remedy hereunder shall not constitute a waiver thereof. A waiver of any default shall not operate as a waiver of any other default or of the same type of default on a future occasion.

ARTICLE 18. FORCE MAJEURE

Either party's performance of any part of this Agreement shall be excused to the extent that it is hindered, delayed or otherwise made impractical by reason of flood, riot, fire, explosion, war, acts or omissions of the other party or any other cause, whether similar or dissimilar to those listed, beyond the reasonable control of that party. If any such event occurs, the nonperforming party shall make reasonable efforts to notify the other party of the nature of such condition and the extent of the delay and shall make reasonable, good faith efforts to resume performance as soon as possible.

ARTICLE 19. EXTRA WORK

If the State desires to have the Grantee perform work or render services other than provided for by the expressed intent of this Agreement such work shall be considered as Extra Work, subject to written amendment to this Agreement setting forth the nature and scope thereof and the compensation therefor as determined by mutual agreement between the State and the Grantee. Work under such amendment shall not proceed unless and until so authorized by the State. Any such continuance of service which would cause compensation to exceed the total amount of this Agreement shall be contingent upon the above provision and the appropriation of necessary funds by the Legislature.

ARTICLE 20. LABOR STANDARDS

The Grantee shall comply with and assure compliance of all Project contractors and subcontractors with the Davis-Bacon Act, as amended 40 U.S.C. 3141-3148, the Contract Work Hours and Safety Standards Act 40 U.S.C. 3701-3708, other applicable Federal laws and regulations pertaining to labor standards, and the Labor Standards section of the Implementation Handbook.

ARTICLE 21. CHOICE OF LAW AND VENUE

In the event of a dispute this Agreement shall be interpreted in accordance with the laws of the State of Wisconsin, to the extent that there is no conflict with Federal law or applicable program requirements. The venue for any dispute shall be Dane County, Wisconsin.

FISCAL TERMS AND CONDITIONS

ARTICLE 22. AVAILABILITY OF FUNDS

Funds have been appropriated by the Wisconsin Legislature or received from the Federal Government for the services covered under this Agreement.

ARTICLE 23. SOURCE OF FUNDS

Federal funds for this grant by the Wisconsin Coastal Management Program are authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*; 31 U.S.C. 6506; 42 U.S.C. 3334; and 15 CFR Part 923). The U.S. Department of Commerce, National Oceanic and Atmospheric Administration awards funding to the state through "Coastal Zone Management Administration Awards", listed in the Catalog of Federal Domestic Assistance (CFDA) under number 11.419.

The funds awarded under this contract have been encumbered and are subject to the continued availability of funding from the National Oceanic and Atmospheric Administration, through Award Number **NA22NOS4190085**. The pass-through entity is the Wisconsin Department of Administration, and the awarding official is Director, Grants Management Division, NOAA.

ARTICLE 24. VARIANCES

Variances to the budget outlined in Attachment A may be permissible as long as the transfer of funds among cost categories does not exceed 10 percent of the current total award. If the transfer of funds is above 10 percent of the total award, the changes shall be approved by the Division in writing. A variance shall not be used to authorize a revision of the amount awarded or a change in the performance period. Such changes shall be made by amendment to the Agreement.

ARTICLE 25. LIMITATION ON COSTS

Reimbursement by the Department shall be **40%** of the total cost or not to exceed **Fifty-One Thousand Three Hundred Seventy-Five Dollars (\$51,375.00)**. The Grantee shall provide **60%** of the total cost, or **Seventy-Seven Thousand Seventy Dollars (\$77,070.00)**. See itemized budget in Attachment A.

ARTICLE 26. ELIGIBLE COSTS

Eligible Costs are those costs which can be audited and which are directly attributable to grant activities and identified and approved in Attachment A.

1. No Eligible Costs subject to reimbursement by this Grant may be incurred prior to the execution of this Agreement.
2. Costs only as identified in the Budget and described in the Scope of Work are allowed.
3. All methods of charging expenses against this Agreement shall be submitted for review and approval by the State.

ARTICLE 27. ALLOWABLE COSTS

Office of Management and Budget (OMB) Uniform Guidance, Subpart E (codified at 2 CFR Part 200), shall be complied with by the grantee with respect to specific items and their cost allowability.

ARTICLE 28. REIMBURSEMENT OF FUNDS

The Grantee shall return to the State or other appropriate governmental agency or entity any funds paid to the Grantee in excess of the allowable eligible costs under this Agreement. If the Grantee fails to return excess funds, the State may deduct the appropriate amount from subsequent payments due to the Grantee from the State. The State also reserves the right to recover such funds by any other legal means including litigation if necessary.

The Grantee shall be responsible for reimbursement to the State for any disbursed funds, which are determined by the State to have been misused or misappropriated. The State may also require reimbursement of funds if the State determines that any provision of this Agreement has been violated. Any reimbursement of funds which is required by the State, with or without termination, shall be due within forty-five (45) days after giving written notice to the Grantee.

ARTICLE 29. LIMITED USE OF PROGRAM FUNDS

This Agreement is a mutually exclusive Agreement. The Grantee shall not apply funds authorized pursuant to other Program Agreements toward the activities for which funding is authorized by this Agreement nor shall funding authorized by this Agreement be used toward the activities authorized pursuant to other Program Agreements. The word "funds" as used in this Article does not include Program income.

ARTICLE 30. FINANCIAL MANAGEMENT

The Grantee agrees to maintain a financial management system that complies with the rules and regulations required by the Program funding source described in ARTICLE 23 and with standards established by the State to assure funds are spent in accordance with law and to assure that accounting records for funds received under this Agreement are sufficiently segregated from other Agreements, programs, and/or projects.

ARTICLE 31. METHOD OF PAYMENT

Payment shall be by the Department to the Grantee upon receipt of **quarterly** invoices submitted on the required reimbursement form and sent to the following address:

Coastal Management Grants Specialist
Department of Administration
Division of Intergovernmental Relations
101 East Wilson Street, 9th Floor
PO Box 8944
Madison, WI 53708-8944

- a) Invoices shall reflect eligible costs incurred by approved Budget line item. Invoices shall be accompanied by written documentation of eligible costs. The Department shall make payment if it determines that the Grantee is making satisfactory progress in completing the project tasks based on the Grantee's progress report submitted at the same time as the invoice.
- b) Final invoice shall be submitted to the Department no later than (60) days following close of the Agreement.

ADMINISTRATIVE TERMS AND CONDITIONS

ARTICLE 32. SINGLE AUDIT REQUIREMENT

The Grantee shall have a certified annual audit performed utilizing Generally Accepted Accounting Principles and Generally Accepted Auditing Standards.

Federal Funded Awards:

Governmental and Non-profit Grantees, or their assignees, that **expend** federal funds during their fiscal year shall comply with Subpart F of the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (codified at 2 C.F.R. Part 200), and the State Single Audit Guidelines issued by the Department. Audit reports are due to the Federal Audit Clearinghouse within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period.

State Funded Awards:

NOTE: If an audit is required under the Omni Circular Subpart F as described above, then this section does not apply as State Funded Awards will already be included in that audit.

Governmental and Non-profit Grantees, or their assignees, which **received** state funds during their fiscal year, shall comply with the requirements set forth in the State Single Audit Guidelines issued by the Department. Audit reports are due to the State within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period.

Submit To:

Please review the Department of Administration's Single Audit Compliance Supplement for details on submission of the reporting package (<https://doa.wi.gov/Pages/StateFinances/State-Single-Audit-Guidelines.aspx>).

ARTICLE 33. EXAMINATION OF RECORDS

The Division, any of its authorized representatives and the U.S. Government shall have access to and the right at any time to examine, audit, excerpt, transcribe and copy on the Grantee's premises any directly pertinent records and computer files of the Grantee involving transactions relating to this Agreement. Similarly, the State shall have access at any time to examine, audit, test and analyze any and all physical projects subject to this Agreement. If the material is held in an automated format, the Grantee shall provide copies of these materials in the automated format or such computer file as may be requested by the State. Such material shall be retained for three years by the Grantee following final payment on the Agreement.

This provision shall also apply in the event of cancellation or termination of this Agreement. The Grantee shall notify the State in writing of any planned conversion or destruction of these materials at least 90 days prior to such action. Any charges for copies provided by the Grantee of books, documents, papers, records, computer files or computer printouts shall not exceed the actual cost thereof to the Grantee and shall be reimbursed by the State.

The minimum acceptable financial records for the project consist of: 1) Documentation of employee time; 2) Documentation of all equipment, materials, supplies and travel expenses; 3) Inventory records and supporting documentation for allowable equipment purchased to carry out the project scope; 4) Documentation and justification of methodology used in any in-kind contributions; 5) Rationale supporting allocation of space charges; 6) Rationale and documentation of any indirect costs (submitted with initial invoice); 7) Documentation of Agreement Services and Materials; and 8) Any other records which support charges to project funds. The Grantee shall maintain sufficient segregation of project accounting records from other projects or programs.

ARTICLE 34. PERFORMANCE REPORTS

The Grantee shall submit Performance Reports to the State on a quarterly basis as long as this Agreement is in effect. Reporting dates are as follows: **September 30, December 30, March 30, June 30.** The Performance Reports shall detail the uses of the funds received under this Agreement, how funds have been expended and the amounts expended during the preceding fiscal period, until all funds have been expended.

1. Progress Reports - The Grantee shall provide quarterly progress reports which detail project tasks completed and related expenses. Any program and/or fiscal problems encountered must be itemized.
2. Close-out period - The Grantee shall be allowed 60 days after contract completion date to prepare the final report and invoice. Only costs for compiling, editing and printing of final reports, preparation of financial reports and other costs associated solely with contract close-out activities may be incurred during this period.
3. Program Summary and Final Report - A separate summary of the project by the Grantee shall be included with the final report. The summary should include: an identification of the coastal resource management issue addressed; a summary of improvements; where possible, quantitative information on the degree of improvement, i.e., acres of wetlands protected, areas mapped, feet of trail developed, etc.; and where possible, state, federal, and local funds expended for the overall project. This report shall not exceed 1-2 single-spaced pages.
4. Final Work Products - Submit three copies (including one copy in digital/electronic format, if appropriate) of any final work products.

SPECIAL TERMS AND CONDITIONS

ARTICLE 35. COMPETITIVE PROCUREMENT PRACTICES

Grantee shall utilize State of Wisconsin competitive procurement practices for products and services purchased as a result of this award. Where state and local procurement practices differ, state rules, standards, policies and practices shall take precedence.

ARTICLE 36. REASONABLE COSTS

Grantee shall attempt to control unit costs for products and services procured as a result of this Agreement, to the state average experience.

ARTICLE 37. AUDITS

Grantee shall perform an "Agreed Upon Procedures Audit" on request. This audit shall consist of procedures and questions agreed upon by the State and the Auditor and shall expand beyond the scope of that provided for under the Wisconsin State Single Audit Guideline requirements.

ARTICLE 38. EQUIPMENT ACCOUNTABILITY

Title to equipment purchased with funds provided under this Agreement shall vest in the Grantee's name, unless otherwise specified by an attachment. Disposition of any equipment shall be in accordance with applicable property disposal procedures.

ARTICLE 39. PATENT INFRINGEMENT

The Grantee selling to the State of Wisconsin the articles described herein guarantees the articles were manufactured or produced in accordance with applicable federal labor laws. Further that the sale or use of the articles described herein shall not infringe any United States patent. The Grantee covenants that it shall, at its own expense, defend every suit which shall be brought against the State of Wisconsin (provided that such Grantee is promptly notified of

such suit, and all papers therein are delivered to it) for any alleged infringement of any patent by reason of the sale of use of such articles and agrees that it shall pay all costs, damages, and profits recoverable in any such suit.

ARTICLE 40. PROGRAM INCOME

Program income means gross income received by the Grantee that is directly generated from the use of the Agreement award, including but not limited to repayments of funds that had been previously provided to eligible beneficiaries; interest earned on any or all Agreement funds obtained from the State; proceeds derived after the Agreement close out from the disposition of real property acquired with any or all funds provided under this Agreement or interest earned on Program income pending its disposition.

All Program income shall be recorded and used in accordance with the rules and regulations of the Program funding source described herein. If at any time changes in the use of Program income are considered, the Grantee shall submit a plan detailing the proposed uses of Program income to the State for approval. Should the Grantee decide following Agreement close out to discontinue using Program income for such purposes, the Grantee shall return the Program income balance and any additional Program income accrued to the State by January 31 of the following year.

ARTICLE 41. TRAINING – WORKSHOPS – SEMINARS – EXHIBIT SPACE

If any portion of the funds are used to support training, workshops, seminars, exhibit space, etc., the Wisconsin Department of Administration, Division of Intergovernmental Relations shall receive complimentary registrations and/or exhibit/booth space, if requested.

ARTICLE 42. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION

The Grantee certifies that to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period receding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b); and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

Where the prospective primary participant is unable to certify to any of the statements in this article, such prospective participant shall attach an explanation to this proposal.

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Attachment A

Grant Agreement # AD229118 – 023.43

1. Type of Project (check one):	☐ Coastal Wetland Protection and Habitat Restoration ☐ Nonpoint Source Pollution Control ☐ Coastal Resources and Community Planning ☐ Great Lakes Education ☒ Public Access and Historic Preservation
2. Project Title (max. 15 words): Ashland Rails to Trails System: Waterfront Trail Repair	
3. Organization applying: City of Ashland	5. Organization nine-digit DUNS Number: 071499719
4. Contact Person and Address (include full, <u>nine-digit</u> zip code): Sara Hudson _____ 601 Main St W _____ Ashland, WI 54806-1537 _____ Phone: 715-685-1644 Email: shudson@coawi.org	6. Primary County where project is located: Ashland
	7. Other Counties where project is located:
	8. Congressional District #: 7
	9. State Senate District #: 25
10. State Assembly District #: 74	
11. Total Project Cost: \$128,445	
12. WCMP Share: \$51,375	14. WCMP Percent: 40 %
13. Applicant Share: \$77,070	
16. <u>Brief Summary of the Project</u> (300 word maximum). Include (a) Project Description (1-2 paragraphs) and (b) Tasks/Deliverables (title and 1-2 sentence description for each task/deliverable). The project should have at least one task: add more as applicable. <u>Consider completing this portion of the application last to summarize your proposal.</u> a. Project Description: The City of Ashland is seeking funding to assist in reconstructing 1200' of the Ashland Rails to Trails System (ARTS): Waterfront Trail Section along the Lake Superior shoreline. This project would also update the failing stormwater system, near this trail section, to be and implement green stormwater infrastructure. b. Project Tasks/Deliverables: 1. Task A: Construction of 1200' ADA accessible pedestrian trail 2. Task B: Implementation of Green Stormwater Infrastructure(s)	

Attachment A

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1. Background/context: Concisely state the problem or issue that this proposal addresses. Include important background information.

Ashland, historically known as the Garland City of the Inland Seas, grew from a small nineteenth century settlement to an industrial center with a shoreline bustling with sawmills, cargo terminals, and ore docks for conversion of the area's rich natural resources to useful products necessary for an expanding nation. While the region's natural environment continues to be a main economic driver of the community, the focus of Ashland's waterfront has shifted from industrial endeavors to one of providing recreational and social enjoyment.

The Ashland Rails to Trails Systems (ARTS) is an 11.5 mile paved, ADA compliant, looped trail constructed on old railroad corridors that travels through and around the City of Ashland. The ARTS is made of four distinct sections: 5th St Corridor, Prentice Park, Waterfront Trail, and 26th Ave Connector. The ARTS has been a multi decade's long project and is still a work in progress.

The Waterfront Trail was constructed along the City's post-industrial shoreline that has been protected by a wide variety of rock sizes, shapes and materials and is not installed to current standards. With the varying water levels being experienced in the Great Lakes, all or most of the smaller rock and other materials is now laying in front of the shoreline in the shallow water, exposing the earthen shoreline slope, making the now hardened shoreline susceptible to wind and water erosion.

In the last eight years, the City of Ashland has experienced two 500 year storms, one 1000 year storm, and Lake Superior record high water levels. On October 24, 2017 a huge storm surge struck Lake Superior and rose the water levels in the Chequamegon Bay 18", covering all four lanes of US Hwy 2 with water and debris, devastated one park and destroyed approximately 1 mile of the Waterfront Trail. From 2018 – 2020 Lake Superior (along with the other Great Lakes) experienced record high water levels, these high water level coupled with intense wind and increased wave actions significantly deteriorated 2 miles of already hardened and failing shoreline. In the fall of 2020, a steep, sloughing bank near the intersection of US Hwy 2 and Sanborn Ave along the Waterfront Trail was discovered. The site had exposed the hard clay pan, contributing excessive sediment to enter the Chequamegon Bay, a known world class fishery for smallmouth bass and walleye. This sloughing bank is causing the trail to fail and creating unsafe conditions for pedestrians.

In the early 2000's US Hwy 2 was reconstructed and stormwater retention basins were installed to collect the stormwater, sediment and other pollutants from US Hwy 2 before they reached the Chequamegon Bay. These retention basins and storm drains (at the project site) are not adequately sized to take on the stormwater created by the increased rain levels experienced by the region. This undersized green infrastructure causes stormwater to flow over the ARTS trail and around the existing culverts undermining the trail and deteriorating the asphalt.

The City of Ashland is seeking funding to assist in reconstructing 1200' of the Ashland Rails to Trails System (ARTS): Waterfront Trail Section and improve the failing stormwater system with green infrastructure(s) and new adequately sized stormwater outfalls.

2. Project Description:

- Describe the project for which funding is requested. Describe how the project will address the issue(s) outlined in the Background/Context section, above. Do NOT include information about tasks that are not part of the funding request.
- Describe how this project is part of an integrated effort or approach.

a. Describe the project for which funding is requested. Describe how the project will address the issue(s) outlined in the Background/Context section, above. The City of Ashland is seeking funding to assist in reconstruction of 1200' of the Ashland Rails to Trails System (ARTS): Waterfront Trail Section along the Lake Superior shoreline. The current pedestrian trail (asphalt) will be removed and a new base layer will be added to strengthen the trail and prep it for paving. Before the trail is paved, the current stormwater catch basins will be excavated (cleaned out), re-constructed, and new adequately sized stormwater drains and green stormwater infrastructures will be installed to drain the water from US Hwy 2. These aforementioned measures will protect the newly reconstructed pedestrian trail by strengthening the shoreline, reducing the amount of sediment and debris entering the Chequamegon Bay, and making it more tolerant to high wind and wave action.

Funding from the Wisconsin Coastal Management Program will be used to pay for the paving of the trail (construction), new trail base, engineering of the bioretention stormwater system, and surveying of the site.

Match for this project will come from in-kind labor, equipment, and funding from the Fund 453: Waterfront Development Fund.

b. Describe how this project is part of an integrated effort or approach. This project is part of an integrated approach to continue to provide public access to 21,350' of Lake Superior shoreline in the City of Ashland as the City of Ashland received funding from the Wisconsin Department of Transportation through the Transportation Alternatives Program (WisDOT TAP) to reconstruct two parts of the ARTS: the 5th St Corridor, and another 1200' section of the Waterfront Trail that was destroyed by a 500 year storm in 2017. The TAP project is to be completed in 2022. In 2017, the City of Ashland received a \$25,000 donation for help with the reconstruction of the Waterfront Trail. The ARTS connects nine city parks, four public beaches and pedestrians to downtown Ashland via the Ed Griffith's pedestrian underpass.

In 2019, the City received funding from the Wisconsin Department of Natural Resources Recreational Trails Program to

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rehabilitate Maslowski Beach, which was severely damaged in the 2017 storm surge. The grant funded a pedestrian trail, once again connecting the east and west beaches, raised the elevation of the park (including the pavilion), and installed a living shoreline (rock edging) to prevent slow wave action and reduce erosion (or deposition). This project was started in 2019 and completed in 2021.

The City of Ashland has also been notified that it was awarded another Wisconsin Department of Natural Resources Recreation Trails Program Grant to reconstruct the Waterfront Trail by the Ashland Oredock and create ADA compliant public access to the Oredock. This notification was made late summer 2021. The grant agreement is still pending.

3. Impact on Coastal Resources: Address all of the issues listed below as they relate to your project.

- a. Describe the coastal impacts of the project. How will the project address a coastal problem, need or priority?
- b. Describe the extent to which the project permanently addresses the problem or need. How will results of the project be sustained after the funding period ends? What will the long-term impacts of the project be?
- c. Describe how this project addresses priorities identified in local, state, regional, or national plans (such as remedial action plans, basin plans, Lakewide Area Management Plans, State of Wisconsin Hazard Mitigation Plan, county Land and Water Conservation Plans, et cetera), the priorities of the Conference of Great Lakes and St. Lawrence Governors and Premiers, or the Great Lakes Regional Collaboration Strategy.
- d. Describe the measurable results (give estimated benefits for all that apply) that you will be able to report. Use the suggested indicators listed below, or others that are appropriate to your project.

Type of Project	Suggested Indicators
Wetland Protection and Habitat Restoration	• Acres of habitat restored or protected
Nonpoint Source Pollution Control	• Reduction in tons of soil erosion/sedimentation
Great Lakes Education	• Number of people trained • Projected audience
Coastal Resources and Community Planning	• Number of municipalities included in a plan • Land area/coastline covered by the plan • Type of coastal resource (e.g., habitat) protected • Ordinances developed
Public Access and Historic Preservation	• Linear feet of coastline made accessible or acquired • Acres Acquired

a. Describe the coastal impacts of the project. How will the project address a coastal problem, need or priority?
This project will implement green stormwater infrastructure along the Lake Superior coastline, in the attempt to reduce contaminants and sediments from entering the Lake and improving water quality.

b. Describe the extent to which the project permanently addresses the problem or need. How will results of the project be sustained after the funding period ends? What will the long-term impacts of the project be?

Over the course of 20 years, technology have drastically improved and the updated engineering and construction documents will reflect new technologies that have been found. The trail section was not built to withstand the storm surges that now impact Ashland's waterfront or was the stormwater system build to handle the amount of stormwater it now receives due to climate change impacts. The City of Ashland, as part of its strategic planning process is working to adopt a Climate Change Resiliency and Adaptation Plan which will help fund project like this. This project continues to allow the public to have access to ~23,000' of Lake Superior shoreline in the City of Ashland.

c. Describe how this project addresses priorities identified in local, state, regional, or national plans (such as remedial action plans, basin plans, Lakewide Area Management Plans, State of Wisconsin Hazard Mitigation Plan, county Land and Water Conservation Plans, et cetera), the priorities of the Conference of Great Lakes and St. Lawrence Governors and Premiers, or the Great Lakes Regional Collaboration Strategy.

International:

- From this the **2015-2019 Lake Superior Lakewide Action and Management Plan (LAMP)** was created, responding to Climate Change is an action step in the LAMP and addressed by the project in "support local climate change initiatives to help communities and/or natural resource managers develop {and implement} adaptation plans".

Multi-State:

- A major priority of the Council of Great Lakes Governors is to "adopt sustainable use practices that protect environmental resources and may enhance the recreational and commercial value of our Great Lakes."

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- The Council of Great Lakes Governors has established nine priorities to guide the restoration and protection of the Great Lakes. One priority is “use [best] practices that protect environmental resources and may enhance the recreational and commercial value of our Great Lakes”. This project, creating access to Lake Superior would increase the recreational value for all users.
- American with Disabilities Act states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” This project will continue to create a fully ADA accessible network.

Regional:

- Ashland County Land and Water Resources Management Plan 2010 – 2019, pg. 61, Goal #2: Conserve and enhance the soil and terrestrial resources of Ashland County; Objective A: Encourage good stewardship of public and private forest lands, open spaces, and wetlands.
- The City is a member of the Lake Superior Collaborative, and this project would meet several of the resource management priorities addressed in the Strategic Priorities document such as “slow the flow” by reconstructing bioretention stormwater basins.

State:

- Wisconsin State Comprehensive Outdoor Recreation Plan (pg. 46) states that “the largest need throughout the state is for more trails that enable people to experience natural settings, visit the vibrant downtowns of our cities and villages, commute to work, and access favorite sites.” The project meets a need stated in the SCORP by continuing to provide a pedestrian trail that leads to not only natural setting, but also a vibrant downtown.

Local:

- Authentic Ashland: A Comprehensive Plan for Ashland, WI, 2015-2035 states under *Ashland Priorities : Protect and Connect the Lake* “For the lake to shape Ashland in the 21st Century, it must be treated in ways that stimulate demand for the City’s downtown and neighborhoods. This means that high-quality connections and access to the lake are profoundly important...examples of [a] project that would enhance the lakeshore and its connections to the city [are the completion of] the ore dock and park project”
- City of Ashland Bike and Pedestrian Plan has the ARTS: Waterfront Trail is outlines as a safe place to bike in the City.
- City of Ashland Comprehensive Outdoor Recreation Plan 2019-2024. Goal 7: Continue the enhancement of the Ashland Rails to Trails System.
- The logo for the City of Ashland and the Ashland Chamber of Commerce is “Find Yourself Next to the Water”

d. Describe the measurable results (give estimated benefits for all that apply) that you will be able to report. Use the suggested indicators listed below, or others that are appropriate to your project. Public Access and Historic Preservation.

This project will reconstruct 1200’ of a public ADA accessible pedestrian and bike trail along Ashland’s Lake Superior waterfront, The project will community members and visitors the continued ability to utilize the entire 11.5 miles of the ARTS.

4. Methodology and Timetable

- a. Provide a timeline (list, table, or chart) with grant and match-funded tasks and major milestones.
Your timeline may begin no earlier than July 1 (this includes activities that are to be counted as match funding).
- b. Provide a list of tasks or deliverables. Describe how you will develop the work products and/or achieve tasks. “Measurable results” from Section 3d should be incorporated into this section.
- c. Describe how the project will encourage public participation and how the final product(s) will be distributed (as appropriate). If the project requires public participation (by state or other regulations), does the project exceed minimum standards?
- d. For Public Access projects, please describe how the project incorporates planning for changing lake levels.

a. Provide a timeline (list, table, or chart) with grant and match-funded tasks and major milestones.

COMPETITIVE BIDDING PROCESS

- 1) Solicit Bids from a Qualified Suppliers for Project Materials - September/ October 2022
Outcome #3: The City will bid the project and review bids from qualified contractors to construct (pave) the proposed trail
- 2) Retain Supplies for Project – September/ October 2022
Outcome #4 : Retention of supplies from a reputable and qualified supplier for the project
- 3) Solicit Bids from Qualified Contractors for the construction (paving) of the trail– September 2022 or January 2023
Outcome #5: The City will bid the project and review bids from qualified contractors to construct (pave) the proposed trail
- 4) Retain a contractor to construct (pave) the proposed trail– Spring 2023
Outcome #5: Retention of a reputable and qualified contractor

SITE WORK

Attachment A

Grant Agreement # AD229118 – 023.43

- 1) Prep Site for Construction (paving) – October – November 2022 or April - June 2023
Outcome #6: City Staff will perform work on the site preparing for construction (paving)

PROJECT COMPLETION

- 1) Grand Opening of the Trail July 2023
Outcome #7: The City of Ashland will host a ribbon cutting ceremony to officially open the trail in July of 2023

b. Provide a list of tasks or deliverables. Describe how you will develop the work products and/or achieve tasks. “Measurable results” from Section 3d should be incorporated into this section.

- Construction of 1200’ ADA accessible pedestrian trail
- Implementation of Green Stormwater Infrastructure(s)

c. Describe how the project will encourage public participation and how the final product(s) will be distributed (as appropriate). If the project requires public participation (by state or other regulations), does the project exceed minimum standards?

The Public has been an active participant in all the development plans associated with public space. The public is largely in favor of upgrades to the Waterfront Trail, so that is able to stay in its current location. In the early spring of 2022, City staff will be hosting a public forum informing the community of upcoming construction projects. If this project is awarded funding, it will be part of this presentation, and the public will have an opportunity to voice their opinion.

e. For Public Access projects, please describe how the project incorporates planning for changing lake levels.

The proposed project will implement new technologies into the reconstruction of this trail system that have been found to with stand the changing lake levels on Lake Superior.

5. Project Budget

- a. Provide a breakdown of the proposed project budget using **Table 1**. WCMP Grant projects with a total budget of \$60,000 or less require a 50% match (that is, 1 to 1). Projects with a total budget larger than \$60,000 require a 60% match (that is, 1 to 1.5). Applicants requesting more than \$100,000 should contact the WCMP while they develop their applications.
- b. Provide the rate and list items included in Fringe Benefits.
- c. Contractual costs must be itemized (if known) using Table 2. Applicant may also provide further budget details using additional categories/sub-categories in the Table 3 or in another format, if necessary.
- d. Each table must show proposed *total* cost in each category rounded to the **nearest** dollar.

Table 1: Budget (Required)

Activity (do not change categories)	WCMP Request	Match	Total
Personnel (names required, if known) Clarence Houle - Operator Greg Ledin – Streets Foreman Brian Fleck – Operator TBD – LTE Includes Fringe	\$	\$26,500	\$26,500
Fringe Benefits (provide rate and included benefits)			
Equipment		\$34,400	\$34,400
Travel			
Supplies	\$13,125	\$4,750	\$17,875
Contractual (complete Table 2)		\$5,980	\$5,980
Construction(name of company consultant required, if known) Paving and Fine Grading: Northwoods Paving or Angelo Luppino	\$38,250		\$38,250
Other		\$5,440	\$5,440
Indirect Charges (requested indirect should not exceed 15% of total requested amount)			
Totals	\$51,375	\$77,070	\$128,445

Table 2: Contractual (Required if there is “Contractual” funding in Table 1)

Activity – Contractual Costs	WCMP Request	Match	Total
Personnel	\$	\$	\$

Attachment A

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Fringe Benefits <i>(provide rate and included benefits)</i>			
Equipment			
Travel			
Supplies			
Contractual: <i>Long Island Engineering</i>		\$5,980	\$5,980
Construction: <i>TBD</i>	\$38,250		
Other			
Indirect Charges <i>(requested indirect should not exceed 15% of total requested amount)</i>			
Totals	\$38,250	\$5,980	\$44,230

Table 3: Additional budget items (optional)

Activity	WCMP Request	Match	Total
Site Clearing and Preparation		\$ 1,500	\$1,500
Dense Aggregate Base (4")	\$7,125		\$7,125
Planting/Seed	\$2,000	\$250	\$2250
Stormwater Repair (culverts)	\$2,000		\$2000
Connection to Existing Roadway		\$3,000	\$3,000
Other	\$2,000	\$5,440	\$7440
Totals	\$13,125	\$10,190	\$23,315

6. Budget Description

- Describe the composition and source of the matching funds. Indicate whether nonfederal matching funds have been secured or committed. Are all funding and activities counted as match in direct support of the project?
- Describe efforts to fully explore other grant funding sources, to establish the project's need for WCMP funding.
- Describe how the project will leverage additional funding, separate from the WCMP grant and match amounts.
- Describe any past WCMP-projects that are directly related to this project, if applicable. (For example, if WCMP provided past funding for site planning at a proposed public access project.)

a. Describe the composition and source of the matching funds. Indicate whether nonfederal matching funds have been secured or committed. Are all funding and activities counted as match in direct support of the project?

Match for this proposal will be coming the City of Ashland General Operating Budget for in-kind labor and supplies for site preparation. Funding will also be coming from City's Waterfront Development Fund, Fund 453.

b. Describe efforts to fully explore other grant funding sources, to establish the project's need for WCMP funding.

The City had applied for WDNR RTP Grant to assist with this project, but the Oredock Access project was instead funded.

c. Describe how the project will leverage additional funding, separate from the WCMP grant and match amounts.

This proposal will leverage funds from the City's Waterfront Development Fund for implementation of the project. The City's Waterfront Development Fund was created by ordinance to fund projects specifically located on and along Ashland's Waterfront.

d. Describe any past WCMP-projects that are directly related to this project, if applicable.

WCMP has funded the update of the two of the City of Ashland's Planning Documents: City of Ashland Comprehensive Outdoor Recreation Plan and City of Ashland's Waterfront Redevelopment Plan. Both updates were completed in 2019. WCMP has also paid for the Kreher Park Redevelopment: Pedestrian Access, completed in 2021, which is just down the trail from this proposed project.

7. Bonus objectives. Address all of the issues listed below as they relate to your project.

- Build partnership alliances with other organizations or agencies (describe their roles and contributions).
- Develop exceptional marketing, outreach, or education strategies.
- Encourage coast-wide projects or solutions.
- Engage underrepresented communities.

a. Build partnership alliances with other organizations or agencies

The City of Ashland will be the lead agency in this project. The project will be completed through existing and enhanced alliances with Northland College, the Lake Superior Collaborative, North Coast Cycling Association, the Ashland Chamber of Commerce and other local businesses and organizations who support the overall project.

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Grant Agreement # AD229118 – 023.43

b. Develop exceptional marketing, outreach, or education strategies

NA

c. Encourage coast-wide projects or solutions

The project can be easily replicated throughout the coastal regions of the Great Lakes. Turning abandoned railroad corridors into ADA compliant pedestrians trails is a way to encourage outdoor recreation.

d. Engage underrepresented communities

The proposed ADA pedestrian trail will allow for all community members to access Lake Superior regardless of age, sex, color, and ability. Community member will once again be able travel easily from the West side of Ashland to the East.

ATTACHMENT B

ACKNOWLEDGEMENTS FOR PROJECTS FUNDED BY THE WISCONSIN COASTAL
MANAGEMENT PROGRAM

1. For audio productions:

Funding provided by the Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration.

2. For video productions:

On the screen, in color, all of the following:

Wisconsin Coastal Management Program wave logo with the words “Wisconsin Coastal Management Program”

National Oceanic and Atmospheric Administration gull logo with the words “National Oceanic and Atmospheric Administration”

3. For printed documents and work products, including web-based publications:

Wisconsin Coastal Management Program Logo (also available as electronic file):



National Oceanic and Atmospheric Administration Logo (also available as electronic file):



Required text acknowledgement:

Funded by the Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration, Office for Coastal Management under the Coastal Zone Management Act, Grant # NA22NOS4190085.

ATTACHMENT C

**SPECIAL TERMS AND CONDITIONS FOR PUBLIC ACCESS, CONSTRUCTION, AND
HABITAT RESTORATION PROJECTS**

ARTICLE (A). Signs at Construction Project Site.

The Grantee shall erect at the site of the project and maintain during construction, a sign satisfactory to the Wisconsin Coastal Management Program (WCMP), identifying the project and indicating the fact that NOAA and WCMP are participating in the development of the project.

ARTICLE (B). Permanent Plaque at Project Site.

The Grantee shall install a permanent plaque at the project site, approved by the Wisconsin Coastal Management Program, acknowledging financial assistance for the project was provided by the National Oceanic and Atmospheric Administration (NOAA) through the Wisconsin Coastal Management Program.

ARTICLE (C). Statutory Requirements for Construction Contracts.

The Grantee shall comply with the following federal laws and all applicable standards, orders or regulations issued pursuant thereto:

1. The Copeland “Anti-Kickback” Act, as amended (18 USC 874) as supplemented in the Department of Labor regulations (41 CFR Chapter 60).
2. The Flood Disaster Program Act of 1973 (P.L. 93-234), as amended. The Grantee will fulfill any flood insurance requirements under this Act and any regulations issued thereunder by the U.S. Department of Housing and Urban Development or which may be issued by NOAA.
3. Architectural Barriers Act (P.L. 90-480, 42 USC 4151), as amended, and the regulations issued or to be issued thereunder, prescribing standards for the design and construction of any building or facility intended to be accessible to the public which may result in the employment of handicapped persons therein. All construction elements of the project must comply with guidelines established by the Americans with Disabilities Act of 1990. Projects must also comply with Chapter 69 of the State Building Code, Section 504 of the Rehabilitation Act of 1973 and any other federal and state accessibility requirements.
4. Rehabilitation Act of 1973, 29 USC 794, Executive Order 11914. No otherwise qualified handicapped individual shall, solely by reason of his/her handicap, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
5. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), as amended, 15 CFR Part 916.
6. The National Environmental Policy Act of 1969 (P.L. 90-190); the National Historic Preservation Act of 1966 (80 Wis. Stats., 915, 16 USC 470); and Executive Order No. 11593 of May 31, 1971.
7. For construction grants for more than \$10,000, the Grantee must keep the following information in their files for the Department’s review.
 - a. Name, address and telephone number of Grantee;
 - b. Grantee’s employer identification number;

- c. Dollar value of grant;
- d. Starting and completion dates of Grant Agreement;
- e. Grantee number; and
- f. Geographical area of performance.

8. Additionally, for each grant awarded, the Grantee shall keep the following information in their files for the Department's review.

- a. Tabulation of bid(s), the alternates, where applicable, to be taken by number and amount; and the resultant total(s) of the proposed award. The tabulation will also show the designing Architect/Engineer's estimate. The tabulation must be accompanied by a certification of the Architect/Engineer as to the correctness and completeness of the tabulation. The certificate must be accompanied by a statement from the Architect/Engineer recommending award to the low bidder. If the award is recommended to other than the low bidder, the reasons must be fully stated, and accompanied by certification by the Grantee that such action is legal under local and State procurement law.
- b. A copy of the complete bid form of the successful bidder.
- c. A statement signed by the Authorized Representative of the Grantee that:
 - 1) All bids were received sealed and were opened in his/her presence;
 - 2) The Grantee has sufficient funds in addition to the funds provided by the Department to complete the project, including interim financing; and
 - 3) The Grantee has obtained, all land, rights-of-way, permits, franchises and all Federal, State and local coordination and approvals necessary for completion of the project, and in all other respects has complied with pertinent Federal, State and local laws.
 - 4) The Grantee shall assure that prevailing wages of the area are applied to all construction activities as are required by Federal or State regulations. The minimum wage rate for this project shall be not less than the prevailing wage rates established by the U.S. Department of Labor (Davis Bacon and related acts as amended) or not less than the prevailing minimum rates on file as set by the Wisconsin Department of Workforce Development. The higher of the two wage rates shall be used.

9. For construction or facility improvement grants or subcontracts exceeding \$100,000, the awarding agency may accept the bonding policy and requirements of the Grantee or subcontractor provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements are listed in Section 36(h) (1-3) of 15CFR24.

10. The Grantee shall carry insurance, and require each subcontractor to carry insurance of such types and in such amounts as normally required by the State.

11. The Grantee may make subawards that have been identified in the approved program activities. However, if they have not been so specified, the Grantee shall advise the Department of the proposed subawardee and the amount allocated prior to the making of such subawards. The Department reserves the right to disapprove such awards if they appear to be inconsistent with the program activities to be conducted under this agreement.

12. Certification of nonsegregated facilities as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor. Prior to the award of any construction grant or subcontract exceeding \$10,000, the Grantee shall require each bidder to submit the following certification: by submission of this bid, the bidder, offeror, applicant or subcontractor certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. He/she certifies further that he/she will not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she will not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The bidder, offeror,

applicant or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this Grant Agreement. As used in this certification, the term “segregated facilities” means any waiting rooms, work areas, rests rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or any in fact segregated on the basis of race, creed, color or national origin, because of habitat, local custom or otherwise. He/she further agrees that (except where he/she has obtained identical certifications from proposed subcontractors for specific time periods) he/she will obtain identifiable certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he/she will retain such certifications in his/her files; and that he/she will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR
CERTIFICATIONS OF NONSEGREGATED FACILITIES**

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a grant or subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The Certification may be submitted whether for each Grantee or subcontractor or for all contracts during a period (i.e., quarterly, semi-annually or annually).

Note: The penalty for making false statements in offers is prescribed in 18 USC 1001.

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ATTACHMENT E

**ENVIRONMENTAL DATA SHARING POLICY FOR
WISCONSIN DEPARTMENT OF ADMINISTRATION
COASTAL MANAGEMENT AND COMPREHENSIVE PLANNING GRANTS**

Geospatial Data Guidelines**Introduction**

For projects that receive federal funds for collection or production of geospatial data, grant recipients must provide expected data collection dates, type of collection, flight lines, etc. to the Department of Administration (DOA) as early as practicable before collection so that it can be shared with the National Oceanic and Atmospheric Administration (NOAA) office(s). For Coastal Management grants, recipients will submit this with their scope of work (Attachment A).

The grant recipient will register the data and planned acquisition activities in Geospatial Platform (geodata.gov) complying with OMB Circular A-16, Coordination of Geographic Information and Related Spatial Data Activities at: <https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-016.pdf#page=17> The grant recipient will document new geospatial data using the metadata standards developed by the Federal Geospatial Data Committee (FGDC), and if requested by NOAA provide standardized documentation electronically.

Environmental Data and Information produced under this grant agreement and made available to the public must be accompanied by the following statement: “These environmental data and related items of information have not been formally disseminated by NOAA, and do not represent and should not be construed to represent any agency determination, view, or policy.”

Environmental data and information collected and/or created under this grant agreement will be made visible, accessible and independently understandable to users in a timely manner (typically no later than two (2) years after the data are collected or created) free of charge or at minimal cost that is no more than the cost of distribution to the user, except where limited by law, regulation, policy or by security requirements.

WCMP grant recipients must submit their geospatial data with their final grant report to the Wisconsin Department of Administration.

1. Metadata will be available explaining the data content and characteristics.

- Current FGDC standards can be found at: <http://www.fgdc.gov/metadata/csdgm/>. Metadata that conforms to the proposed North American Profile of the International Organization for Standardization (ISO) 19115 is acceptable.
- Tools for metadata development:
 - Overview at the Federal Geographic Data Committee’s home page, <http://fgdc.gov>.
 - Plain language overview, <http://geology.usgs.gov/tools/metadata/tools/doc/ctc/>

Geospatial Metadata will identify the following:

Identification Information

Data set title, area covered, keywords, purpose, abstract, access and use restrictions included here.

Data Quality Information

Data quality includes horizontal and vertical positional accuracy, attribute accuracy and data set completeness of the data.

Spatial Data Organization Information

Raster, vector or indirect link to location included here.

Spatial Reference Information

Spatial information should include latitude/longitude, coordinate system or map projection. Data should be provided in a standard location referencing system.

Entity and Attribute Information

A table, data dictionary, or comparable document should explain attribute codes contained in the data or cites a reference for attribute definitions.

Distribution Information

Distributor, file format of data, off-line media types, on-line link to data, fees included here.

Metadata Reference

Include who created the metadata and when it was created.

2. Data Sharing Guidelines

Geo-referencing system

The preferred geo-referencing system is the Wisconsin Transverse Mercator based on the 1991 adjustment to the North American Datum of 1983.

For more information on geo-referencing see <https://www.sco.wisc.edu/coordinate-reference-systems/>

Means of transmittal

Media:

CD-ROM (preferred for large data sets, e.g., of approximately 10 megabytes or more in size)

Publications:

The final pre-publication manuscripts of scholarly publications produced with NOAA funding shall be submitted to the NOAA Institutional Repository at <https://repository.library.noaa.gov/> after acceptance, and no later than upon publication, of the paper by a journal.

Format

Fully compatible with ArcInfo®

For assistance in converting data into this format please contact:

Jim Giglierano, State Geographic Information Officer
Wisconsin Department of Administration
Email: Jim.Giglierano@wisconsin.gov
Phone: 608-267-6902

ATTACHMENT F

**SCIENTIFIC INTEGRITY FOR
WISCONSIN DEPARTMENT OF ADMINISTRATION
COASTAL MANAGEMENT PROGRAM GRANTS**

A. General Guidelines

Wisconsin Coastal Management Program (WCMP) promotes scientific integrity of research activities and management policies based on scientific research activities. WCMP discourages research bias, plagiarism, falsification, fabrication, and conflicts of interest. WCMP encourages transparency in research and policy decisions.

1. *Maintaining Integrity.* The recipient shall maintain the scientific integrity of research performed pursuant to this agreement including the prevention, detection, and remediation of any allegations regarding the violation of scientific integrity or scientific and research misconduct, and the conduct of inquiries, investigations, and adjudications of allegations of violations of scientific integrity or scientific and research misconduct.

2. *Peer Review.* The peer review of the results of scientific activities under the agreement shall be accomplished to ensure consistency with National Oceanic and Atmospheric Administration (NOAA) standards on quality, relevance, scientific integrity, reproducibility, transparency, and performance. NOAA will ensure that peer review of "influential scientific information" or "highly influential scientific assessments" is conducted in accordance with the Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review and NOAA policies on peer review, such as the Information Quality Guidelines.

3. In performing or presenting the results of scientific activities under this agreement and in responding to allegations regarding the violation of scientific integrity or scientific and research misconduct, the recipient shall comply with the provisions herein and NOAA Administrative Order (NAO) 202-735D, Scientific Integrity, and its Procedural Handbook, including any amendments thereto. That Order can be found at <http://nrc.noaa.gov/ScientificIntegrityCommons.aspx>.

4. The recipient assumes the primary responsibility to prevent, detect, and investigate allegations of a violation of scientific integrity or scientific and research misconduct. The recipient shall promptly notify WCMP of any incidents of misconduct.

5. By executing this agreement, the recipient provides its assurance that it has established an administrative process for performing an inquiry, investigating, and reporting allegations of a violation of scientific integrity or scientific and research misconduct; and that it will comply with its own administrative process for performing an inquiry, investigation, and reporting of such misconduct.

B. Investigating Scientific Integrity or Scientific and Research Misconduct

1. *Initiating Investigation.* If the recipient determines that there is sufficient evidence to proceed to an investigation, it shall notify WCMP and, unless otherwise instructed, shall:

a. Promptly conduct an investigation to develop a complete factual record and an examination of such record leading to either a finding regarding the violation of scientific integrity or scientific and research misconduct and an identification of appropriate remedies or a determination that no further action is warranted.

b. If the investigation leads to a finding regarding the violation of scientific integrity or scientific and research misconduct, obtain adjudication by a neutral third-party adjudicator. The adjudication must include a review of the investigative record and, as warranted, a determination of appropriate corrective actions and sanctions.

2. *Finalizing Investigation.* When the investigation is complete, the recipient shall forward to WCMP a copy of the evidentiary record, the investigative report, any recommendations made to the neutral third-party adjudicating official, that adjudicating official's decision and notification of any corrective action taken or planned, and the subject's written response (if any).

C. Findings and Corrective Actions

If the recipient finds that scientific integrity has been violated or scientific and research misconduct has occurred, it shall assess the seriousness of the misconduct and its impact on the research completed or in process and shall:

1. Take all necessary corrective actions, which includes, but are not limited to, correcting the research record, and, as appropriate, imposing restrictions, controls, or other parameters on research in process or to be conducted in the future; and
2. Coordinate remedial action.

1. Type of Project (check one):	☐ Coastal Wetland Protection and Habitat Restoration ☐ Nonpoint Source Pollution Control ☐ Coastal Resources and Community Planning ☐ Great Lakes Education ☒ Public Access and Historic Preservation
2. Project Title (max. 15 words): Ashland Rails to Trails System: Waterfront Trail Repair	
3. Organization applying: City of Ashland	5. Organization nine-digit DUNS Number: 071499719
4. Contact Person and Address (include full, <u>nine-digit</u> zip code): Sara Hudson 601 Main St W Ashland, WI 54806-1537 Phone: 715-685-1644 Email: shudson@coawi.org	6. Primary County where project is located: Ashland 7. Other Counties where project is located: 8. Congressional District #: 7 9. State Senate District #: 25 10. State Assembly District #: 74
11. Total Project Cost: \$128,445	
12. WCMP Share: \$51,375	14. WCMP Percent: 40 %
13. Applicant Share: \$77,070	
16. Brief Summary of the Project (300 word maximum). Include (a) Project Description (1-2 paragraphs) and (b) Tasks/Deliverables (title and 1-2 sentence description for each task/deliverable). The project should have at least one task: add more as applicable. <u>Consider completing this portion of the application last to summarize your proposal.</u> a. Project Description: The City of Ashland is seeking funding to assist in reconstructing 1200' of the Ashland Rails to Trails System (ARTS): Waterfront Trail Section along the Lake Superior shoreline. This project would also update the failing stormwater system, near this trail section, to be and implement green stormwater infrastructure. b. Project Tasks/Deliverables: 1. Task A: Construction of 1200' ADA accessible pedestrian trail 2. Task B: Implementation of Green Stormwater Infrastructure(s)	

1. Background/context: Concisely state the problem or issue that this proposal addresses. Include important background information.

Ashland, historically known as the Garland City of the Inland Seas, grew from a small nineteenth century settlement to an industrial center with a shoreline bustling with sawmills, cargo terminals, and ore docks for conversion of the area's rich natural resources to useful products necessary for an expanding nation. While the region's natural environment continues to be a main economic driver of the community, the focus of Ashland's waterfront has shifted from industrial endeavors to one of providing recreational and social enjoyment.

The Ashland Rails to Trails Systems (ARTS) is an 11.5 mile paved, ADA compliant, looped trail constructed on old railroad corridors that travels through and around the City of Ashland. The ARTS is made of four distinct sections: 5th St Corridor, Prentice Park, Waterfront Trail, and 26th Ave Connector. The ARTS has been a multi decade's long project and is still a work in progress.

The Waterfront Trail was constructed along the City's post-industrial shoreline that has been protected by a wide variety of rock sizes, shapes and materials and is not installed to current standards. With the varying water levels being experienced in the Great Lakes, all or most of the smaller rock and other materials is now laying in front of the shoreline in the shallow water, exposing the earthen shoreline slope, making the now hardened shoreline susceptible to wind and water erosion.

In the last eight years, the City of Ashland has experienced two 500 year storms, one 1000 year storm, and Lake Superior record high water levels. On October 24, 2017 a huge storm surge struck Lake Superior and rose the water levels in the Chequamegon Bay 18", covering all four lanes of US Hwy 2 with water and debris, devastated one park and destroyed approximately 1 mile of the Waterfront Trail. From 2018 – 2020 Lake Superior (along with the other Great Lakes) experienced record high water levels, these high water level coupled with intense wind and increased wave actions significantly deteriorated 2 miles of already hardened and failing shoreline. In the fall of 2020, a steep, sloughing bank near the intersection of US Hwy 2 and Sanborn Ave along the Waterfront Trail was discovered. The site had exposed the hard clay pan, contributing excessive sediment to enter the Chequamegon Bay, a known world class fishery for smallmouth bass and walleye. This sloughing bank is causing the trail to fail and creating unsafe conditions for pedestrians.

In the early 2000's US Hwy 2 was reconstructed and stormwater retention basins were installed to collect the stormwater, sediment and other pollutants from US Hwy 2 before they reached the Chequamegon Bay. These retention basins and storm drains (at the project site) are not adequately sized to take on the stormwater created by the increased rain levels experienced by the region. This undersized green infrastructure causes stormwater to flow over the ARTS trail and around the existing culverts undermining the trail and deteriorating the asphalt.

The City of Ashland is seeking funding to assist in reconstructing 1200' of the Ashland Rails to Trails System (ARTS): Waterfront Trail Section and improve the failing stormwater system with green infrastructure(s) and new adequately sized stormwater outfalls.

2. Project Description:

- a. Describe the project for which funding is requested. Describe how the project will address the issue(s) outlined in the Background/Context section, above. Do NOT include information about tasks that are not part of the funding request.
- b. Describe how this project is part of an integrated effort or approach.

a. Describe the project for which funding is requested. Describe how the project will address the issue(s) outlined in the Background/Context section, above. The City of Ashland is seeking funding to assist in reconstruction of 1200' of the Ashland Rails to Trails System (ARTS): Waterfront Trail Section along the Lake Superior shoreline. The current pedestrian trail (asphalt) will be removed and a new base layer will be added to strengthen the trail and prep it for paving. Before the trail is paved, the current stormwater catch basins will be excavated (cleaned out), re-constructed, and new adequately sized stormwater drains and green stormwater infrastructures will be installed to drain the water from US Hwy 2. These aforementioned measures will protect the newly reconstructed pedestrian trail by strengthening the shoreline, reducing the amount of sediment and debris entering the Chequamegon Bay, and making it more tolerant to high wind and wave action.

Funding from the Wisconsin Coastal Management Program will be used to pay for the paving of the trail (construction), new trail base, engineering of the bioretention stormwater system, and surveying of the site.

Match for this project will come from in-kind labor, equipment, and funding from the Fund 453: Waterfront Development Fund.

b. Describe how this project is part of an integrated effort or approach. This project is part of an integrated approach to continue to provide public access to 21,350' of Lake Superior shoreline in the City of Ashland as the City of Ashland received funding from the Wisconsin Department of Transportation through the Transportation Alternatives Program (WisDOT TAP) to reconstruct two parts of the ARTS: the 5th St Corridor, and another 1200' section of the Waterfront Trail that was destroyed by a 500 year storm in 2017. The TAP project is to be completed in 2022. In 2017, the City of Ashland received a \$25,000 donation for help with the reconstruction of the Waterfront Trail. The ARTS connects nine city parks, four public beaches and pedestrians to downtown Ashland via the Ed Griffith's pedestrian underpass.

In 2019, the City received funding from the Wisconsin Department of Natural Resources Recreational Trails Program to

rehabilitate Maslowski Beach, which was severely damaged in the 2017 storm surge. The grant funded a pedestrian trail, once again connecting the east and west beaches, raised the elevation of the park (including the pavilion), and installed a living shoreline (rock edging) to prevent slow wave action and reduce erosion (or deposition). This project was started in 2019 and completed in 2021.

The City of Ashland has also been notified that it was awarded another Wisconsin Department of Natural Resources Recreation Trails Program Grant to reconstruct the Waterfront Trail by the Ashland Oredock and create ADA compliant public access to the Oredock. This notification was made late summer 2021. The grant agreement is still pending.

3. Impact on Coastal Resources: Address all of the issues listed below as they relate to your project.

- Describe the coastal impacts of the project. How will the project address a coastal problem, need or priority?
- Describe the extent to which the project permanently addresses the problem or need. How will results of the project be sustained after the funding period ends? What will the long-term impacts of the project be?
- Describe how this project addresses priorities identified in local, state, regional, or national plans (such as remedial action plans, basin plans, Lakewide Area Management Plans, State of Wisconsin Hazard Mitigation Plan, county Land and Water Conservation Plans, et cetera), the priorities of the Conference of Great Lakes and St. Lawrence Governors and Premiers, or the Great Lakes Regional Collaboration Strategy.
- Describe the measurable results (give estimated benefits for all that apply) that you will be able to report. Use the suggested indicators listed below, or others that are appropriate to your project.

Type of Project

Suggested Indicators

Wetland Protection and Habitat Restoration

- Acres of habitat restored or protected

Nonpoint Source Pollution Control

- Reduction in tons of soil erosion/sedimentation

Great Lakes Education

- Number of people trained
- Projected audience

Coastal Resources and Community Planning

- Number of municipalities included in a plan
- Land area/coastline covered by the plan
- Type of coastal resource (e.g., habitat) protected
- Ordinances developed

Public Access and Historic Preservation

- Linear feet of coastline made accessible or acquired
- Acres Acquired

a. Describe the coastal impacts of the project. How will the project address a coastal problem, need or priority?

This project will implement green stormwater infrastructure along the Lake Superior coastline, in the attempt to reduce contaminants and sediments from entering the Lake and improving water quality.

b. Describe the extent to which the project permanently addresses the problem or need. How will results of the project be sustained after the funding period ends? What will the long-term impacts of the project be?

Over the course of 20 years, technology have drastically improved and the updated engineering and construction documents will reflect new technologies that have been found. The trail section was not built to withstand the storm surges that now impact Ashland's waterfront or was the stormwater system build to handle the amount of stormwater it now receives due to climate change impacts. The City of Ashland, as part of its strategic planning process is working to adopt a Climate Change Resiliency and Adaptation Plan which will help fund project like this. This project continues to allow the public to have access to ~23,000' of Lake Superior shoreline in the City of Ashland.

c. Describe how this project addresses priorities identified in local, state, regional, or national plans (such as remedial action plans, basin plans, Lakewide Area Management Plans, State of Wisconsin Hazard Mitigation Plan, county Land and Water Conservation Plans, et cetera), the priorities of the Conference of Great Lakes and St. Lawrence Governors and Premiers, or the Great Lakes Regional Collaboration Strategy.

International:

- From this the **2015-2019 Lake Superior Lakewide Action and Management Plan (LAMP)** was created, responding to Climate Change is an action step in the LAMP and addressed by the project in "support local climate change initiatives to help communities and/or natural resource managers develop {and implement} adaptation plans".

Multi-State:

- A major priority of the Council of Great Lakes Governors is to "adopt sustainable use practices that protect environmental resources and may enhance the recreational and commercial value of our Great Lakes."
- The Council of Great Lakes Governors has established nine priorities to guide the restoration and protection of the Great Lakes.

One priority is “use [best] practices that protect environmental resources and may enhance the recreational and commercial value of our Great Lakes”. This project, creating access to Lake Superior would increase the recreational value for all users.

- American with Disabilities Act states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” This project will continue to create a fully ADA accessible network.

Regional:

- Ashland County Land and Water Resources Management Plan 2010 – 2019, pg. 61, Goal #2: Conserve and enhance the soil and terrestrial resources of Ashland County; Objective A: Encourage good stewardship of public and private forest lands, open spaces, and wetlands.
- The City is a member of the Lake Superior Collaborative, and this project would meet several of the resource management priorities addressed in the Strategic Priorities document such as “slow the flow” by reconstructing bioretention stormwater basins.

State:

- Wisconsin State Comprehensive Outdoor Recreation Plan (pg. 46) states that “the largest need throughout the state is for more trails that enable people to experience natural settings, visit the vibrant downtowns of our cities and villages, commute to work, and access favorite sites.” The project meets a need stated in the SCORP by continuing to provide a pedestrian trail that leads to not only natural setting, but also a vibrant downtown.

Local:

- Authentic Ashland: A Comprehensive Plan for Ashland, WI, 2015-2035 states under *Ashland Priorities : Protect and Connect the Lake* “For the lake to shape Ashland in the 21st Century, it must be treated in ways that stimulate demand for the City’s downtown and neighborhoods. This means that high-quality connections and access to the lake are profoundly important...examples of [a] project that would enhance the lakeshore and its connections to the city [are the completion of] the ore dock and park project”
- City of Ashland Bike and Pedestrian Plan has the ARTS: Waterfront Trail is outlines as a safe place to bike in the City.
- City of Ashland Comprehensive Outdoor Recreation Plan 2019-2024. Goal 7: Continue the enhancement of the Ashland Rails to Trails System.
- The logo for the City of Ashland and the Ashland Chamber of Commerce is “Find Yourself Next to the Water”

d. Describe the measurable results (give estimated benefits for all that apply) that you will be able to report. Use the suggested indicators listed below, or others that are appropriate to your project. Public Access and Historic Preservation.

This project will reconstruct 1200’ of a public ADA accessible pedestrian and bike trail along Ashland’s Lake Superior waterfront, The project will community members and visitors the continued ability to utilize the entire 11.5 miles of the ARTS.

4. Methodology and Timetable

- Provide a timeline (list, table, or chart) with grant and match-funded tasks and major milestones.
Your timeline may begin no earlier than July 1 (this includes activities that are to be counted as match funding).
- Provide a list of tasks or deliverables. Describe how you will develop the work products and/or achieve tasks. “Measurable results” from Section 3d should be incorporated into this section.
- Describe how the project will encourage public participation and how the final product(s) will be distributed (as appropriate). If the project requires public participation (by state or other regulations), does the project exceed minimum standards?
- For Public Access projects, please describe how the project incorporates planning for changing lake levels.

a. Provide a timeline (list, table, or chart) with grant and match-funded tasks and major milestones.

COMPETITIVE BIDDING PROCESS

- Solicit Bids from a Qualified Suppliers for Project Materials - September/ October 2022
Outcome #3: The City will bid the project and review bids from qualified contractors to construct (pave) the proposed trail
- Retain Supplies for Project – September/ October 2022
Outcome #4 : Retention of supplies from a reputable and qualified supplier for the project
- Solicit Bids from Qualified Contractors for the construction (paving) of the trail– September 2022 or January 2023
Outcome #5: The City will bid the project and review bids from qualified contractors to construct (pave) the proposed trail
- Retain a contractor to construct (pave) the proposed trail– Spring 2023
Outcome #5: Retention of a reputable and qualified contractor

SITE WORK

- Prep Site for Construction (paving) – October – November 2022 or April - June 2023

Outcome #6: City Staff will perform work on the site preparing for construction (paving)

PROJECT COMPLETION

- 1) Grand Opening of the Trail July 2023

Outcome #7: The City of Ashland will host a ribbon cutting ceremony to officially open the trail in July of 2023

b. Provide a list of tasks or deliverables. Describe how you will develop the work products and/or achieve tasks. “Measurable results” from Section 3d should be incorporated into this section.

- Construction of 1200’ ADA accessible pedestrian trail
- Implementation of Green Stormwater Infrastructure(s)

c. Describe how the project will encourage public participation and how the final product(s) will be distributed (as appropriate). If the project requires public participation (by state or other regulations), does the project exceed minimum standards?

The Public has been an active participant in all the development plans associated with public space. The public is largely in favor of upgrades to the Waterfront Trail, so that is able to stay in its current location. In the early spring of 2022, City staff will be hosting a public forum informing the community of upcoming construction projects. If this project is awarded funding, it will be part of this presentation, and the public will have an opportunity to voice their opinion.

e. For Public Access projects, please describe how the project incorporates planning for changing lake levels.

The proposed project will implement new technologies into the reconstruction of this trail system that have been found to with stand the changing lake levels on Lake Superior.

5. Project Budget

- a. Provide a breakdown of the proposed project budget using **Table 1**. WCMP Grant projects with a total budget of \$60,000 or less require a 50% match (that is, 1 to 1). Projects with a total budget larger than \$60,000 require a 60% match (that is, 1 to 1.5). Applicants requesting more than \$100,000 should contact the WCMP while they develop their applications.
- b. Provide the rate and list items included in Fringe Benefits.
- c. Contractual costs must be itemized (if known) using Table 2. Applicant may also provide further budget details using additional categories/sub-categories in the Table 3 or in another format, if necessary.
- d. Each table must show proposed *total* cost in each category rounded to the **nearest** dollar.

Table 1: Budget (Required)

Activity (do not change categories)	WCMP Request	Match	Total
Personnel (<i>names required, if known</i>) Clarence Houle - Operator Greg Ledin – Streets Foreman Brian Fleck – Operator TBD – LTE Includes Fringe	\$	\$26,500	\$26,500
Fringe Benefits (<i>provide rate and included benefits</i>)			
Equipment		\$34,400	\$34,400
Travel			
Supplies	\$13,125	\$4,750	\$17,875
Contractual (complete Table 2)		\$5,980	\$5,980
Construction(<i>name of company consultant required, if known</i>) Paving and Fine Grading: Northwoods Paving or Angelo Luppino	\$38,250		\$38,250
Other		\$5,440	\$5,440
Indirect Charges (<i>requested indirect should not exceed 15% of total requested amount</i>)			
Totals	\$51,375	\$77,070	\$128,445

Table 2: Contractual (Required if there is “Contractual” funding in Table 1)

Activity – Contractual Costs	WCMP Request	Match	Total
Personnel	\$	\$	\$
Fringe Benefits (<i>provide rate and included benefits</i>)			

Equipment			
Travel			
Supplies			
Contractual: <i>Long Island Engineering</i>		\$5,980	\$5,980
Construction: <i>TBD</i>	\$38,250		
Other			
Indirect Charges (<i>requested indirect should not exceed 15% of total requested amount</i>)			
Totals	\$38,250	\$5,980	\$44,230

Table 3: Additional budget items (optional)

Activity	WCMP Request	Match	Total
Site Clearing and Preparation		\$ 1,500	\$1,500
Dense Aggregate Base (4")	\$7,125		\$7,125
Planting/Seed	\$2,000	\$250	\$2250
Stormwater Repair (culverts)	\$2,000		\$2000
Connection to Existing Roadway		\$3,000	\$3,000
Other	\$2,000	\$5,440	\$7440
Totals	\$13,125	\$10,190	\$23,315

6. Budget Description

- Describe the composition and source of the matching funds. Indicate whether nonfederal matching funds have been secured or committed. Are all funding and activities counted as match in direct support of the project?
- Describe efforts to fully explore other grant funding sources, to establish the project's need for WCMP funding.
- Describe how the project will leverage additional funding, separate from the WCMP grant and match amounts.
- Describe any past WCMP-projects that are directly related to this project, if applicable. (For example, if WCMP provided past funding for site planning at a proposed public access project.)

a. Describe the composition and source of the matching funds. Indicate whether nonfederal matching funds have been secured or committed. Are all funding and activities counted as match in direct support of the project? Match for this proposal will be coming the City of Ashland General Operating Budget for in-kind labor and supplies for site preparation. Funding will also be coming from City's Waterfront Development Fund, Fund 453. b. Describe efforts to fully explore other grant funding sources, to establish the project's need for WCMP funding. The City had applied for WDNR RTP Grant to assist with this project, but the Oredock Access project was instead funded. c. Describe how the project will leverage additional funding, separate from the WCMP grant and match amounts. This proposal will leverage funds from the City's Waterfront Development Fund for implementation of the project. The City's Waterfront Development Fund was created by ordinance to fund projects specifically located on and along Ashland's Waterfront. d. Describe any past WCMP-projects that are directly related to this project, if applicable. WCMP has funded the update of the two of the City of Ashland's Planning Documents: City of Ashland Comprehensive Outdoor Recreation Plan and City of Ashland's Waterfront Redevelopment Plan. Both updates were completed in 2019. WCMP has also paid for the Kreher Park Redevelopment: Pedestrian Access, completed in 2021, which is just down the trail from this proposed project.

7. Bonus objectives. Address all of the issues listed below as they relate to your project.

- Build partnership alliances with other organizations or agencies (describe their roles and contributions).
- Develop exceptional marketing, outreach, or education strategies.
- Encourage coast-wide projects or solutions.
- Engage underrepresented communities.

a. Build partnership alliances with other organizations or agencies The City of Ashland will be the lead agency in this project. The project will be completed through existing and enhanced alliances with Northland College, the Lake Superior Collaborative, North Coast Cycling Association, the Ashland Chamber of Commerce and other local businesses and organizations who support the overall project. b. Develop exceptional marketing, outreach, or education strategies NA

c. Encourage coast-wide projects or solutions

The project can be easily replicated throughout the coastal regions of the Great Lakes. Turning abandoned railroad corridors into ADA compliant pedestrians trails is a way to encourage outdoor recreation.

d. Engage underrepresented communities

The proposed ADA pedestrian trail will allow for all community members to access Lake Superior regardless of age, sex, color, and ability. Community member will once again be able travel easily from the West side of Ashland to the East.

**ASHLAND RAILS TO TRAILS SYSTEM:
WATER FRONT TRAIL
22ND AVE W. TO PIG IRON DOCK**

90% PLANS
NOT FOR CONSTRUCTION

CITY OF ASHLAND

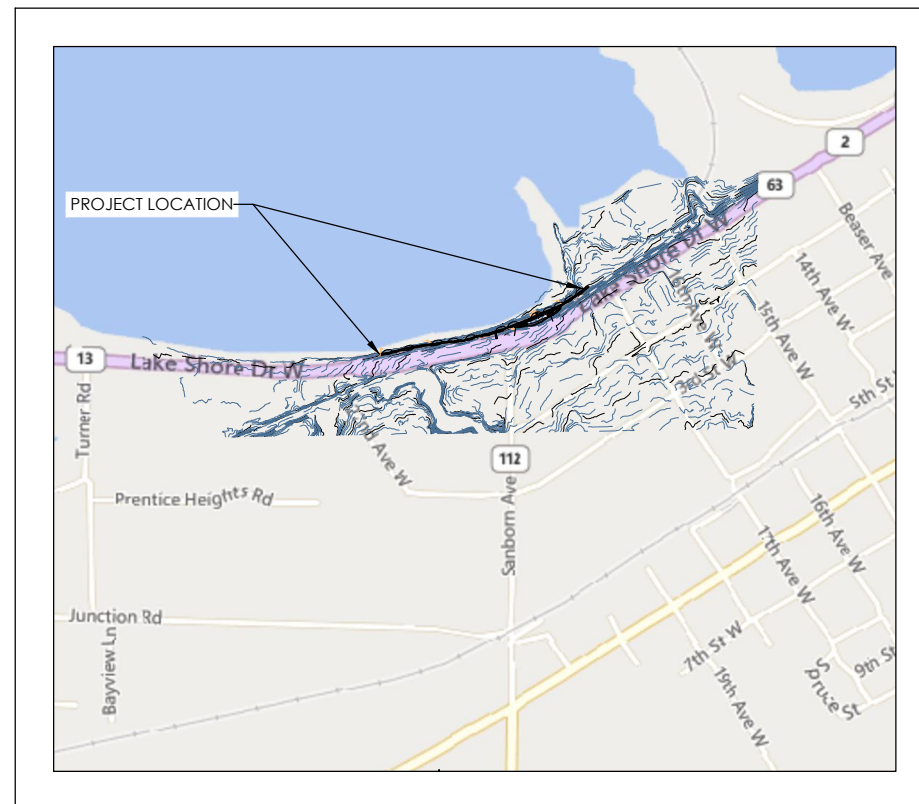


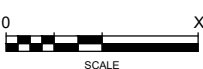
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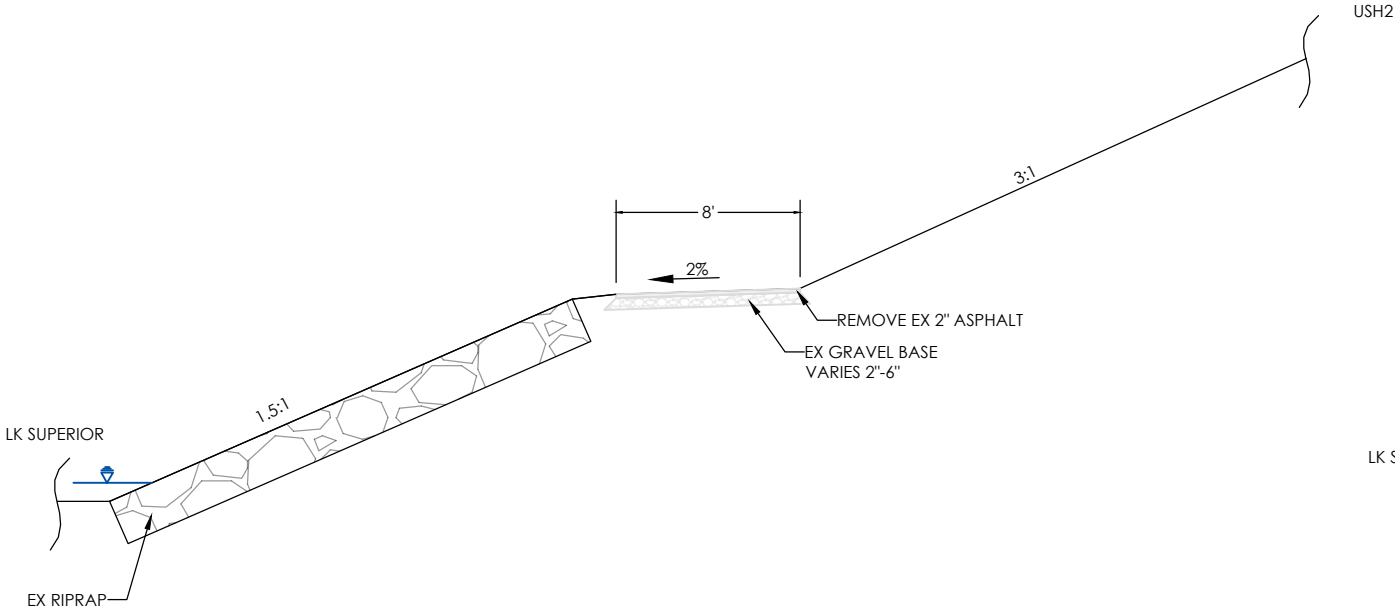


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COVER PAGE
Water Front Trail 22nd Ave W. to Pig Iron Dock
City of Ashland - Parks & Recreation

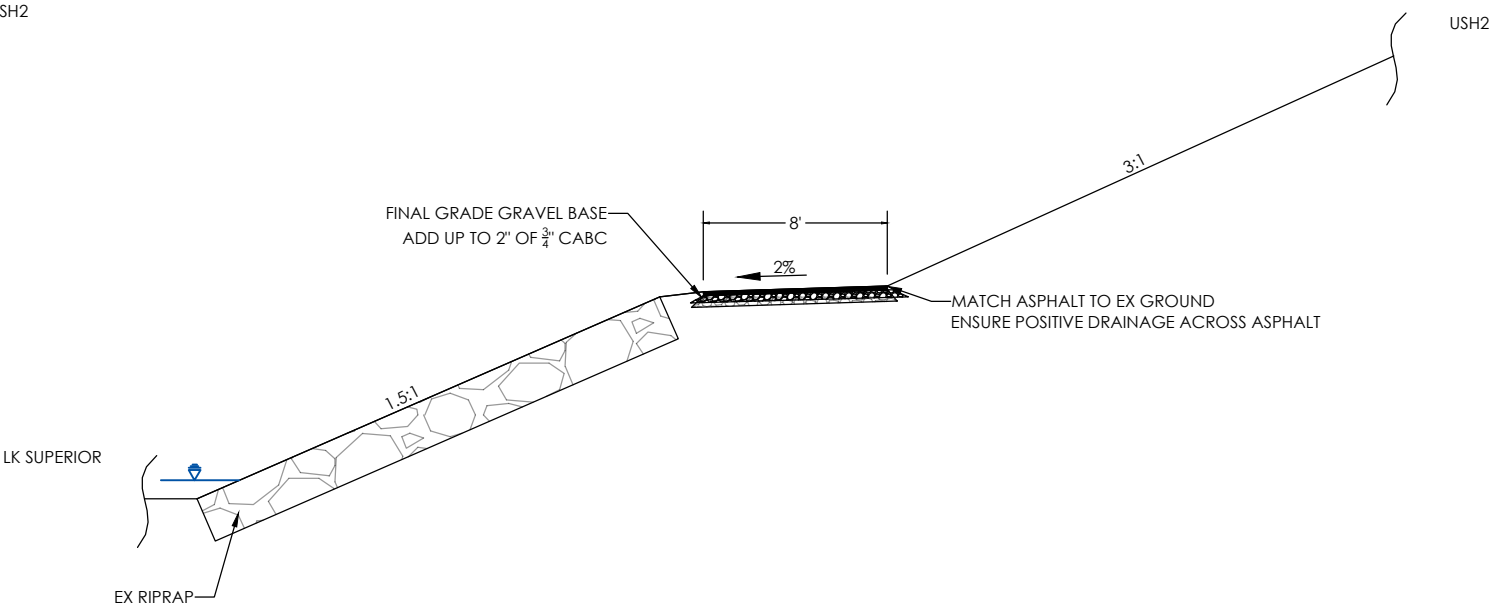
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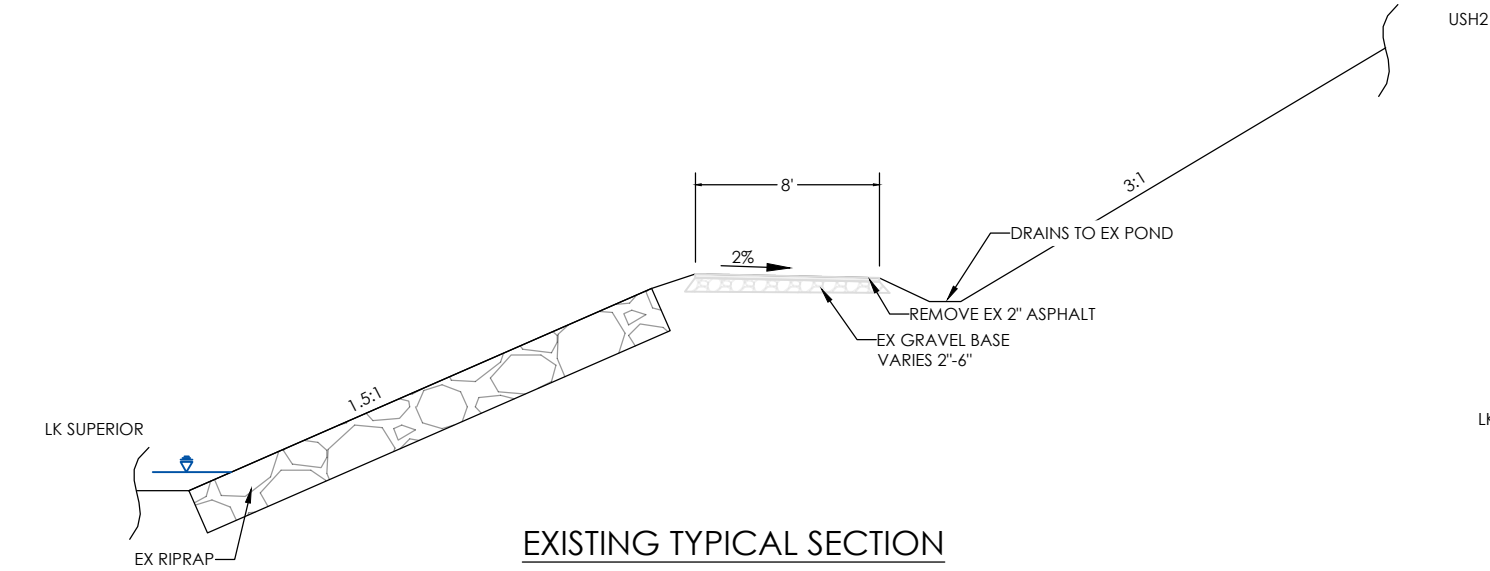
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STA 0+00 TO STA 7+30
STA 11+85 TO STA 13+35



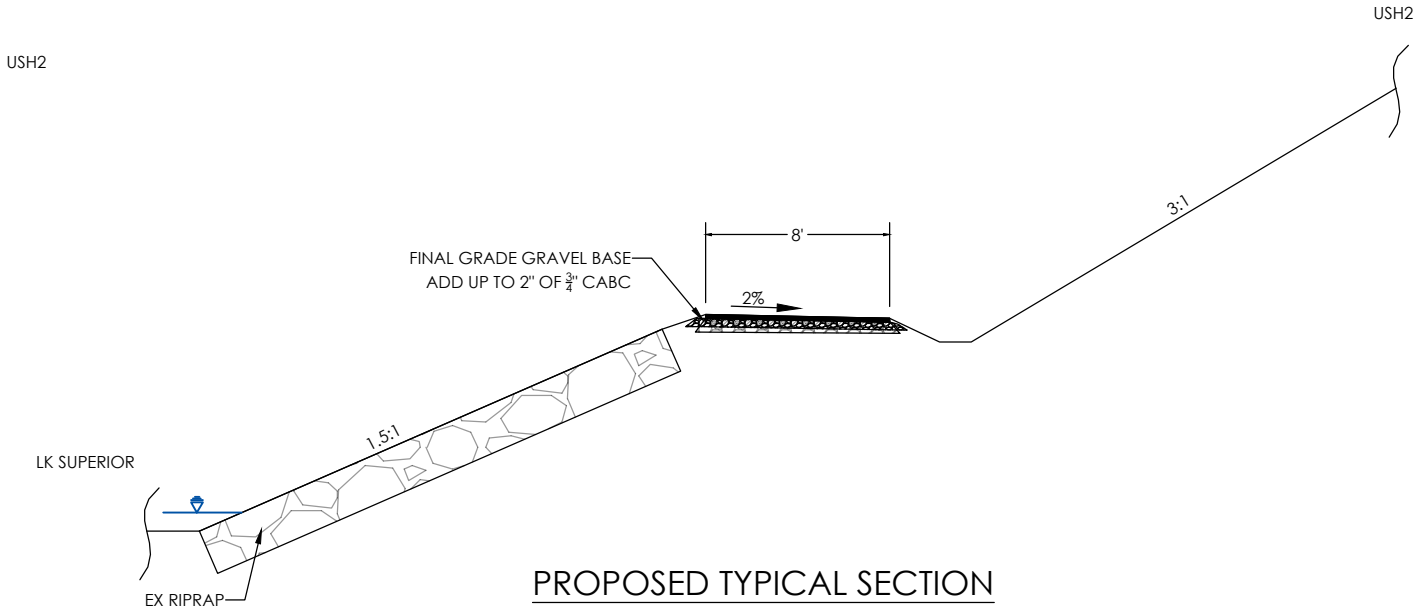
PROPOSED TYPICAL SECTION

STA 0+00 TO STA 7+30
STA 11+85 TO STA 13+35



EXISTING TYPICAL SECTION

STA 7+30 TO STA 11+85



PROPOSED TYPICAL SECTION

STA 7+30 TO STA 11+85

- NOTES:
- REVIEW TRAIL GRADING AND DRAINAGE PATTERNS WITH ENGINEER
 - REMOVE EXISTING ASPHALT
 - FINAL GRADE BASE AGGREGATE. SUPPLEMENT WITH $\frac{3}{4}$ " DENSE GRADE BASE TO A MAX DEPTH OF 2"
 - PROPOSED PAVEMENT THICKNESS IS 2.0"
 - MAINTAIN POSITIVE DRAINAGE FROM ASPHALT
 - NON-PAVED DISTURBED AREAS SHALL HAVE SALVAGED TOPSOIL PLACED, SEED, FERTILIZER, AND MULCHED.

LONG ISLAND ENGINEERING LLC

Design & Permitting



DESIGN • DRAINAGE • SURVEILLANCE • SITE LAYOUT

WESLIE Engineering Group

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TYPICAL SECTIONS

Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

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- NOTES:
- ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED PRIOR TO LAND DISTURBING ACTIVITIES.
 - ALL WORK TO BE COMPLETED IN ACCORDANCE WITH WISDOT TECHNICAL SPECIFICATIONS, UNLESS OTHERWISE SPECIFIED IN THE CITY OF ASHLAND SPECIFICATIONS.

→ FLOW DIRECTION





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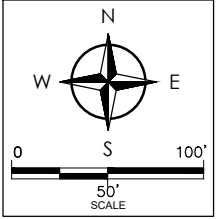
OVERVIEW

Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

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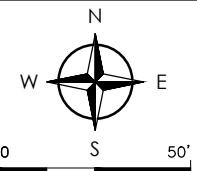
PLAN VIEW

Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

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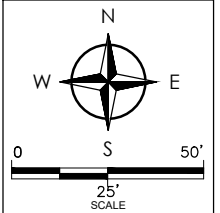
PLAN VIEW

Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

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- POND SEDIMENT REMOVAL NOTES:
- CUT VEGETATION AT POND BOTTOM ELEV AND REMOVE FROM SITE. LUMP SUM BID ITEM. REMOVAL AREA IS 4,600SF
 - ACCUMULATED SEDIMENT SHALL BE DISPOSED OF AT THE CITY OF SUPERIOR LANDFILL AT 15 MOCCASIN MIKE RD, SUPERIOR, WI 54880
 - ACCUMULATED SEDIMENT IS ESTIMATED AT 85CYD IN PLACE VOLUME AND WILL BE PAID FOR BY THE CYD IN THE TRUCK. LOADED TRUCKS SHALL BE FIELD VERIFIED BY ENGINEER TO RECEIVE PAYMENT.
 - REMOVE SEDIMENT TO RIPRAP LAYER AT BOTTOM OF POND. DO NOT REMOVE RIPRAP.



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Rivers • Ditches • Sewers • Storm Water • Site Layout

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POND SEDIMENT REMOVAL

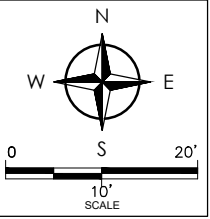
Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

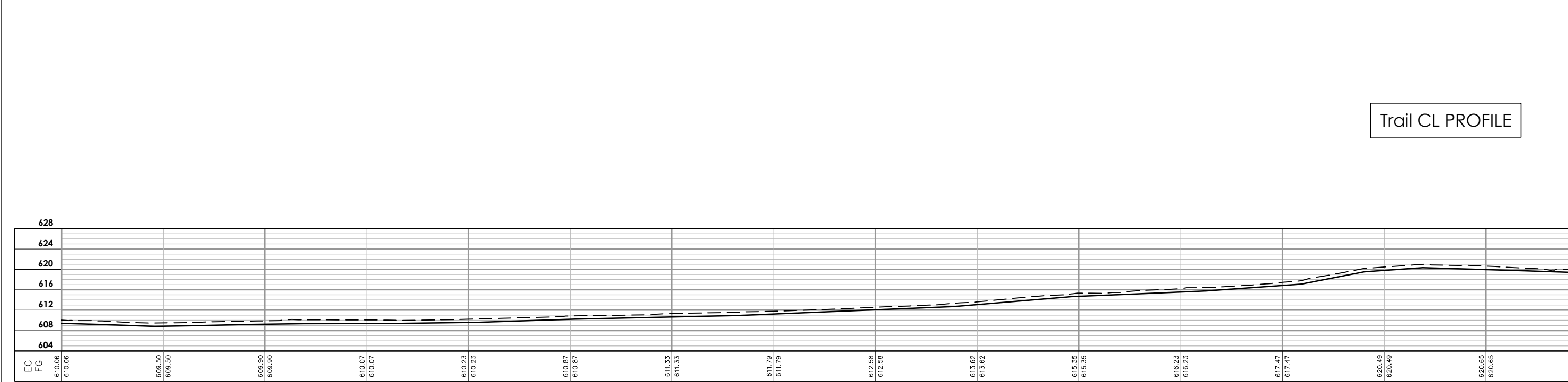
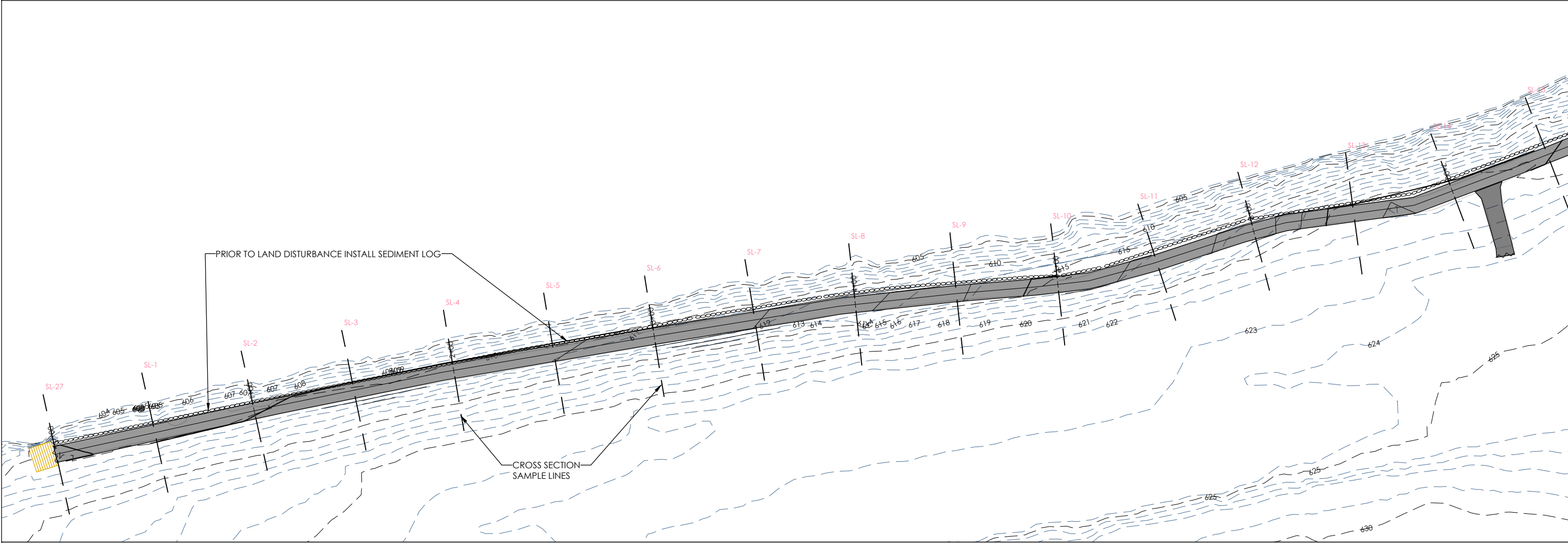
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Ashland County, WI

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FG	610.06	609.50	609.30	610.07	610.23	610.67	611.33	611.79	612.58	613.62	615.35	616.23	617.47	620.49	620.65
	0+00		1+00		2+00		3+00		4+00		5+00		6+00		7+00



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PLAN & PROFILE

Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

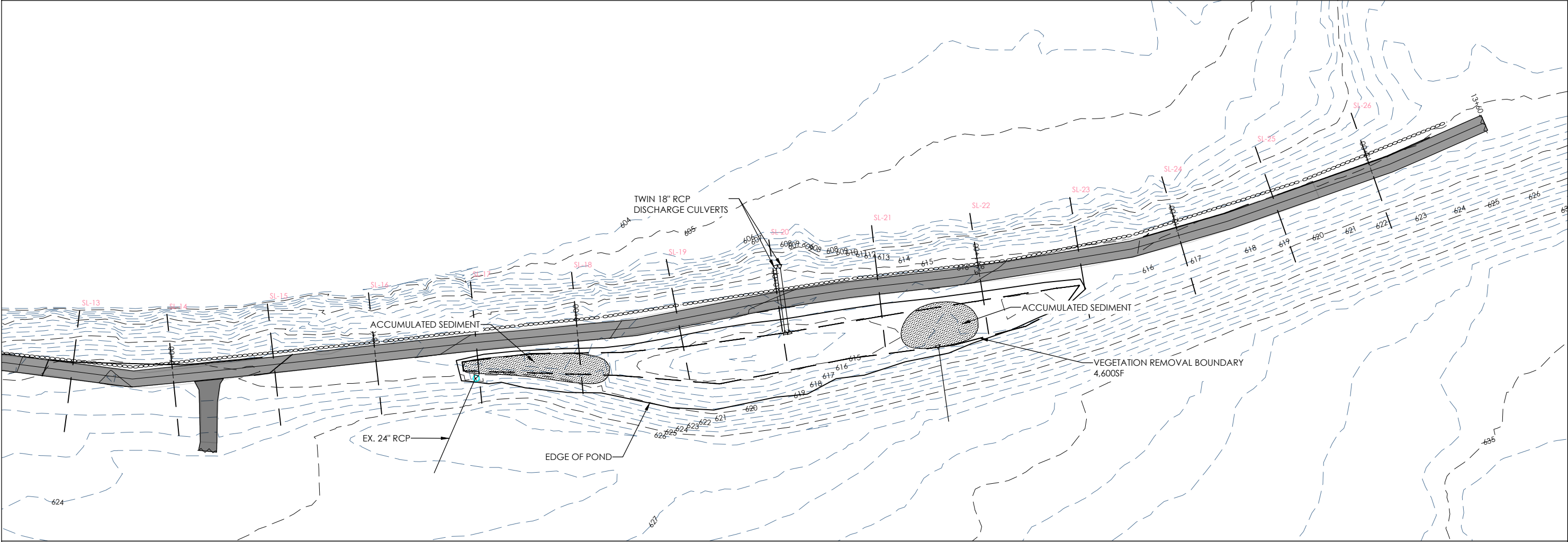
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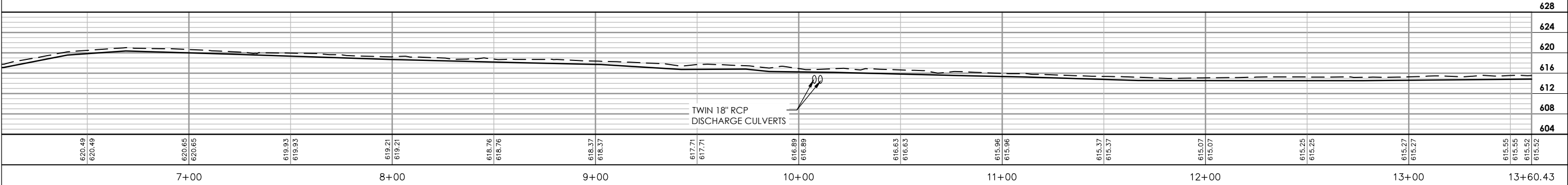
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Trail CL PROFILE





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EX 24" RCP

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PLAN & PROFILE

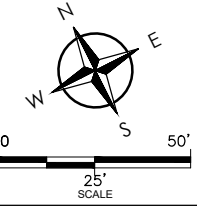
Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

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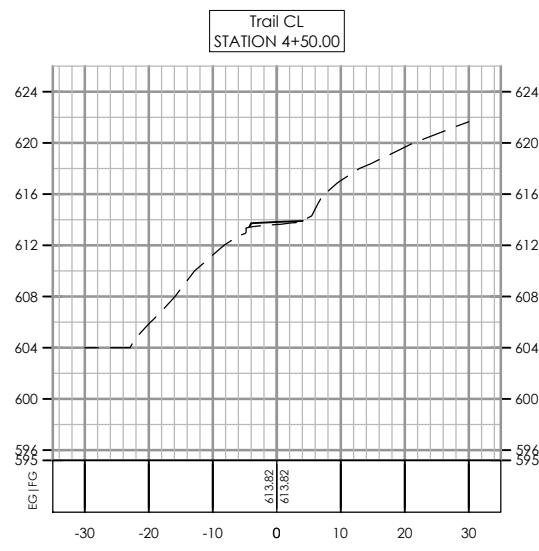
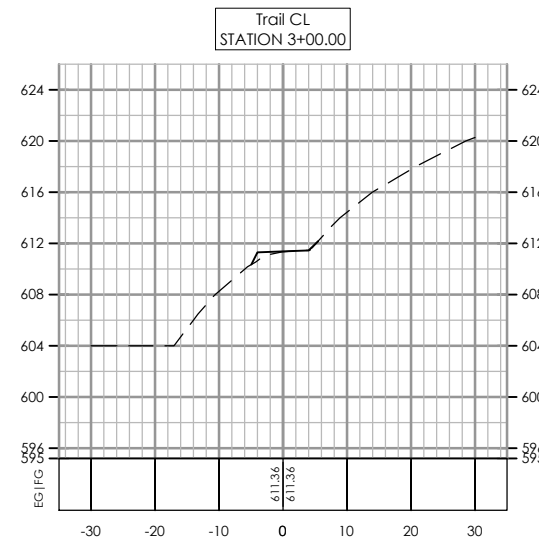
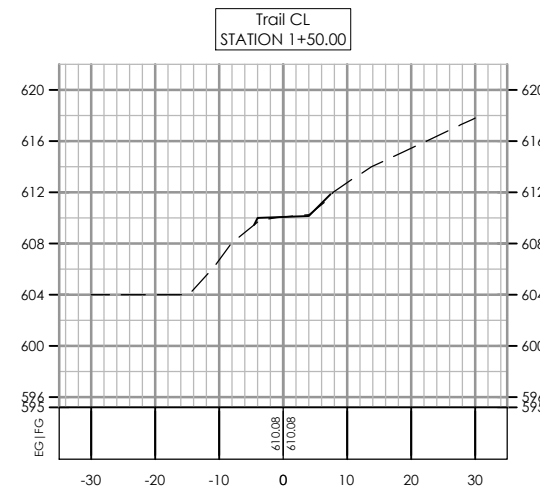
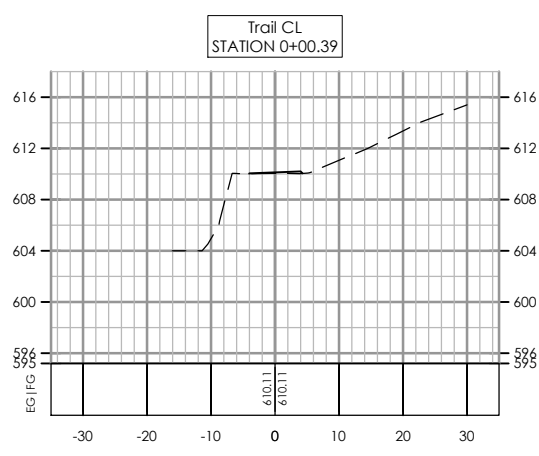
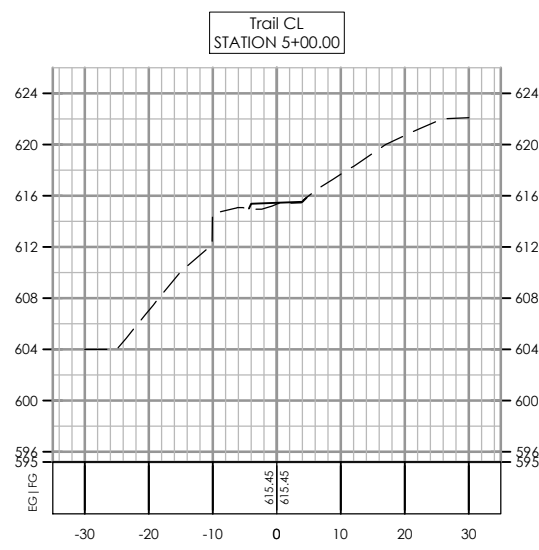
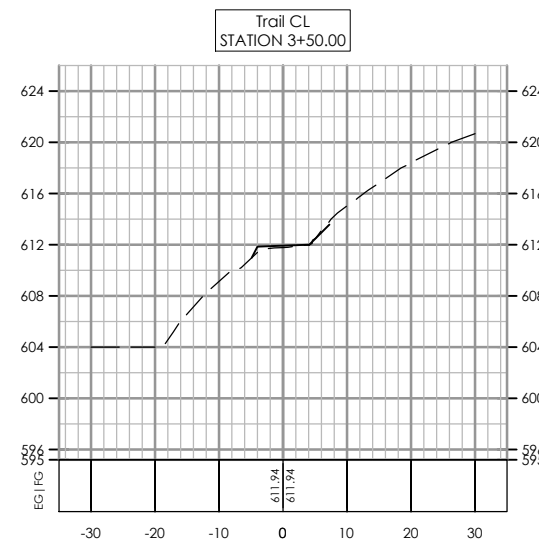
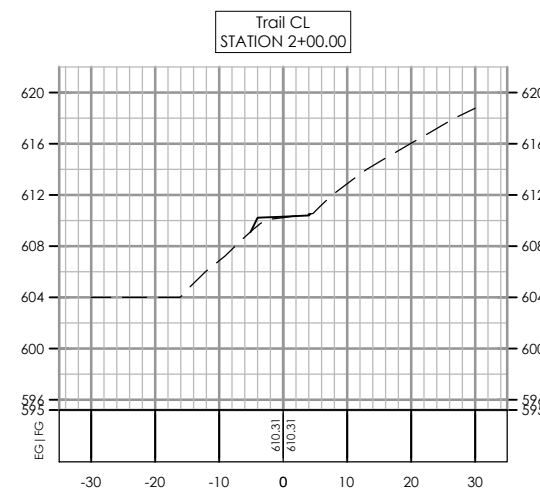
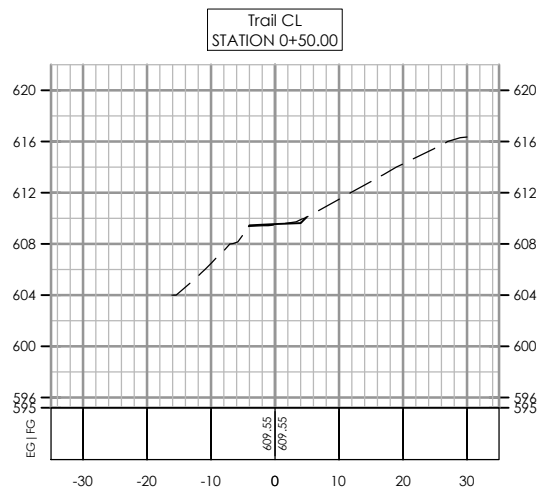
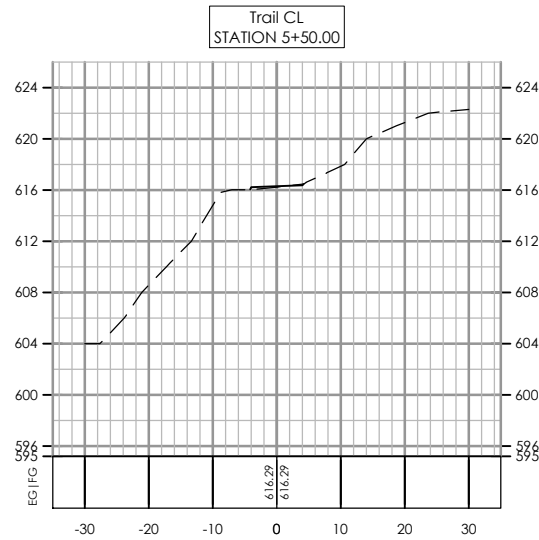
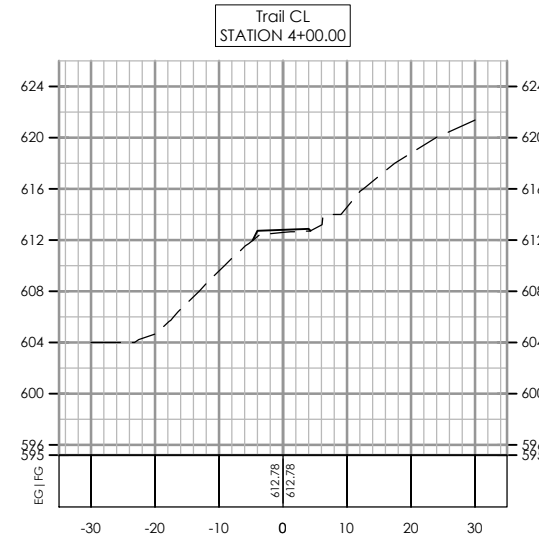
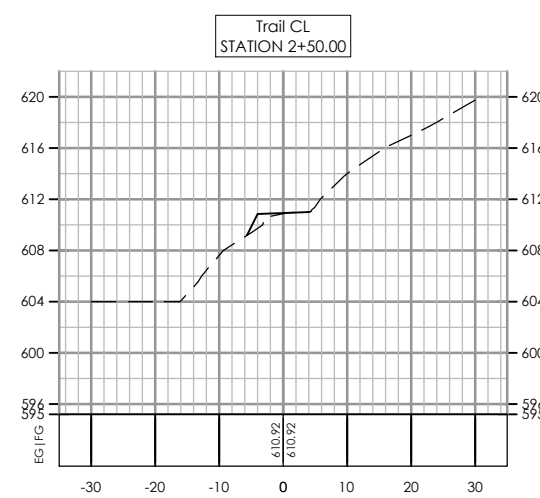
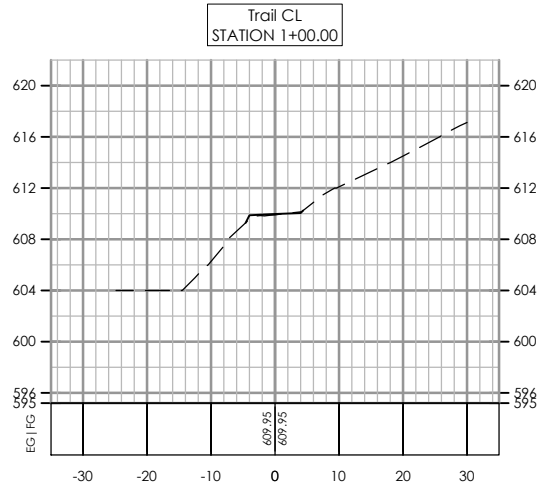
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SECTIONS
Water Front Trail 22nd Ave W. to Pig Iron Dock
City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

REVISIONS	NO.	BY	DATE

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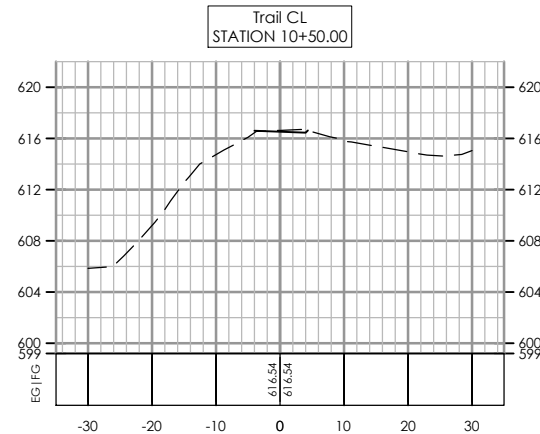
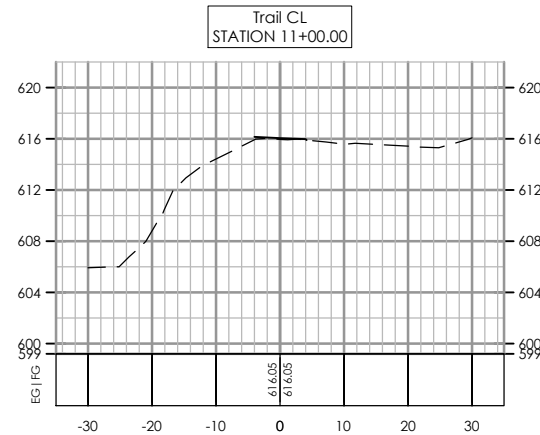
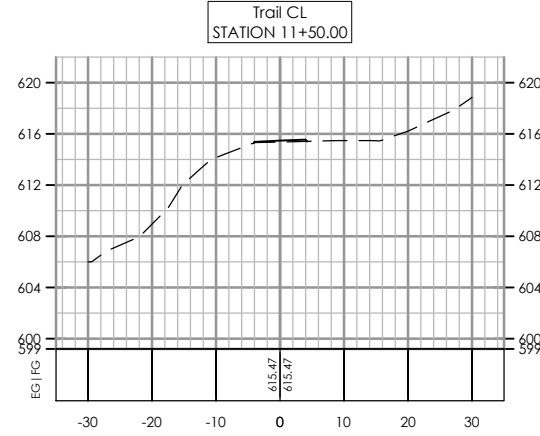
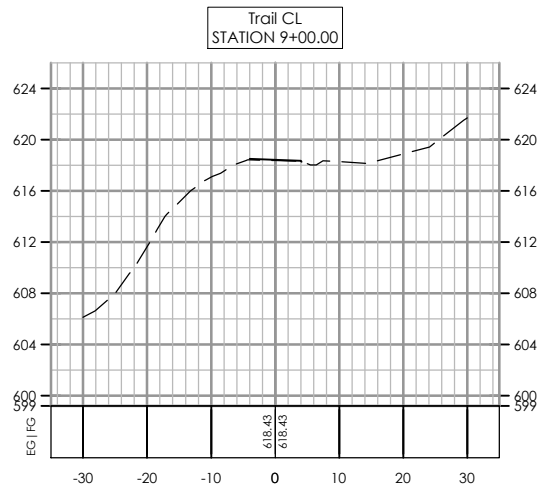
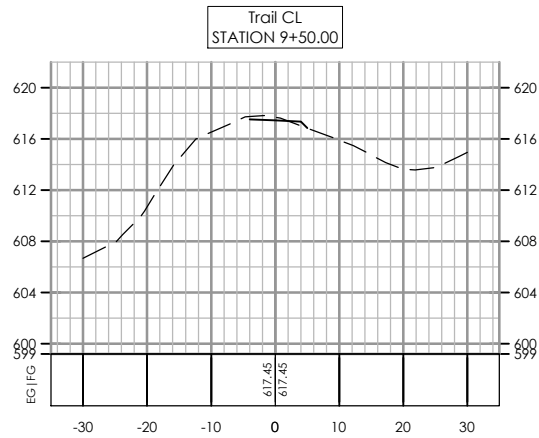
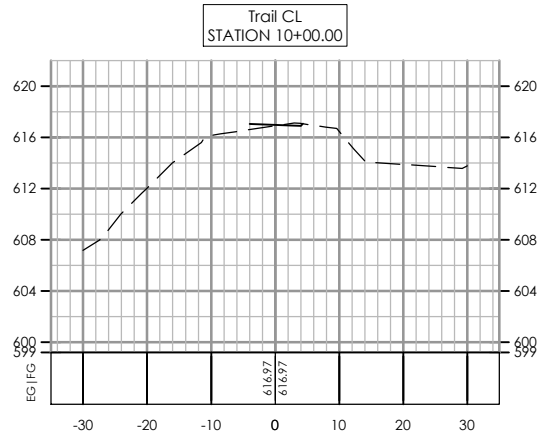
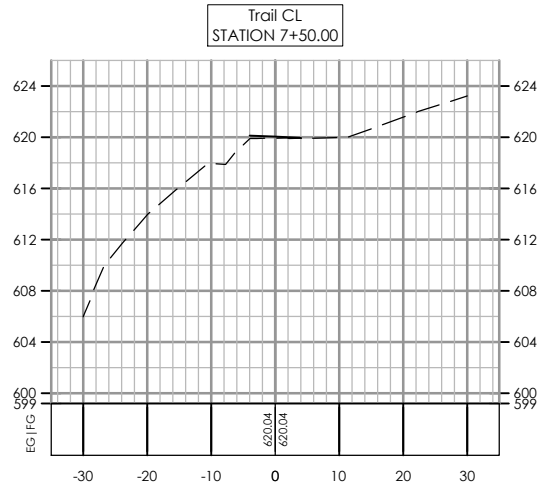
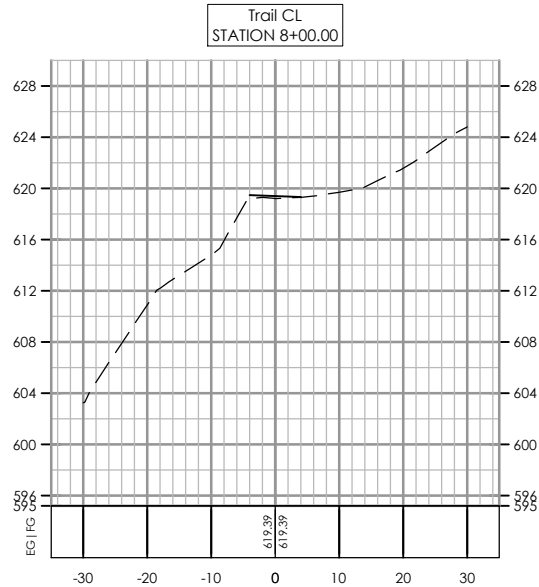
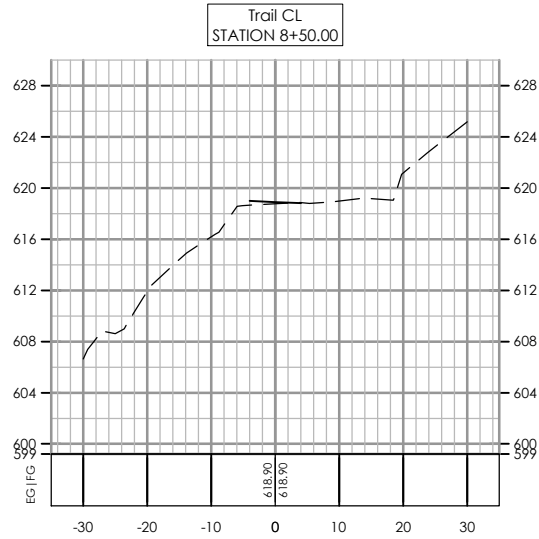
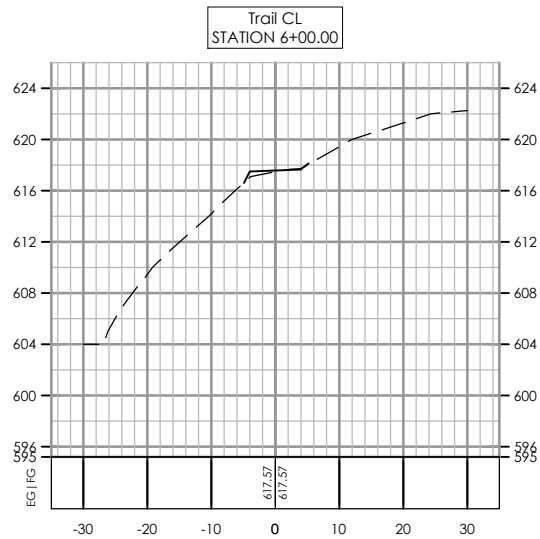
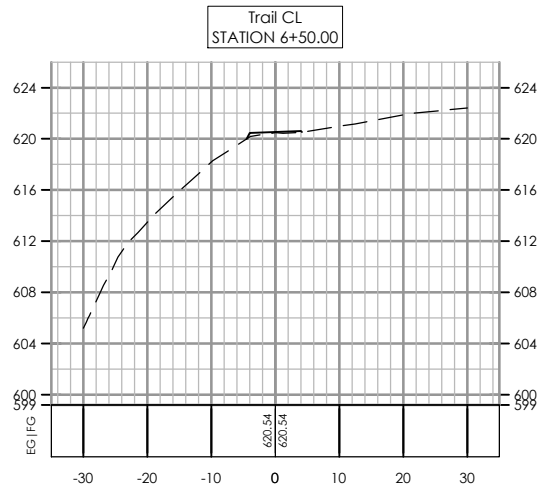
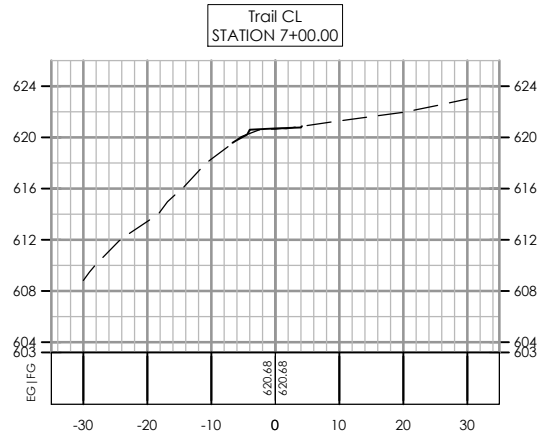
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Page **9** of 447



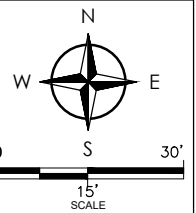
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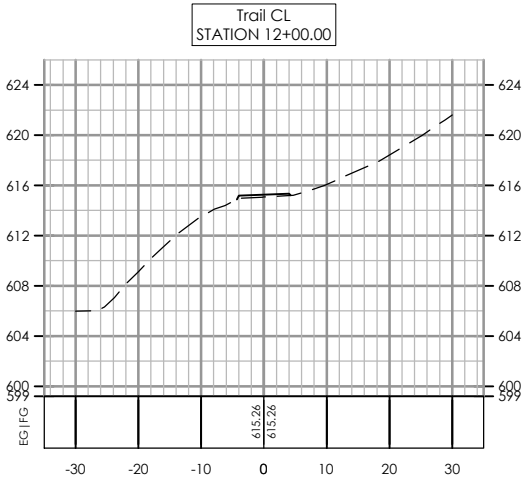
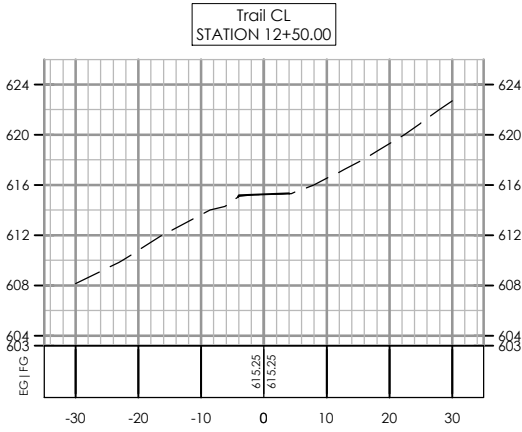
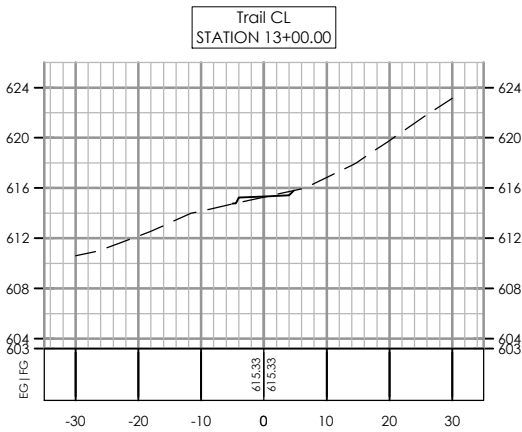
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SECTIONS
Water Front Trail 22nd Ave W. to Pig Iron Dock
City of Ashland - Parks & Recreation
City of Ashland
Ashland County, WI

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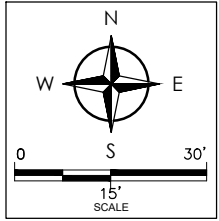
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City of Ashland - Parks & Recreation

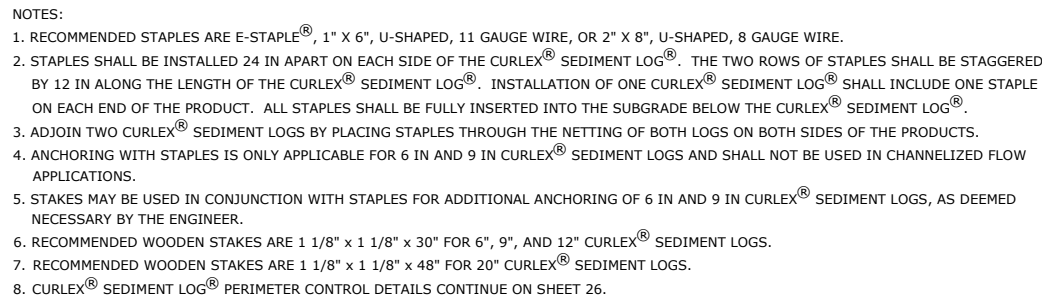
City of Ashland

Ashland County, WI

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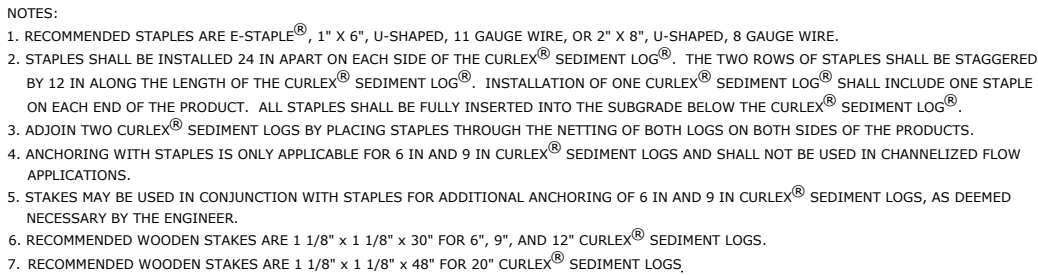


AMERICAN EXCELSIOR COMPANY
ARLINGTON, TEXAS

SHEET DESCRIPTION
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PERIMETER CONTROL DETAILS

DATE 12/03/21
SCALE
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PROJECT NO.	SHEET NO
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AMERICAN EXCELSIOR COMPANY
ARLINGTON, TEXAS

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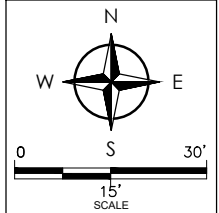
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DETAILS
Water Front Trail 22nd Ave W. to Pig Iron Dock
City of Ashland - Parks & Recreation

**City of Ashland
Ashland County, WI**

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ITEM NO	ITEM	UNIT	ESTIMATED QUANTITY	FINAL QUANTITY
SCHEDULE A - ROAD DIVISION				
204.0110	REMOVING ASPHALTIC SURFACE (ALL THICKNESSES. TYP 2IN)	SY	1190	
305.0120	2-INCH BASE AGGREGATE DENSE 3/4-INCH (TRAIL BASES SUPPLEMENT)	TON	140	
305.0502.S	SHAPING ROADWAY	STA	13.8	
465.0105	ASPHALTIC SURFACE 2INCH	TON	155	
619.1000	MOBILIZATION	EACH	1	
625.0500	SALVAGED TOPSOIL	SY	310	
628.2006	EROSION MAT URBAN CLASS I TYPE A	SY	310	
629.0205	FERTILIZER TYPE A (7lbs/1,000,sf)	CWT	0.2	
630.0130	SEEDING MIXTURE NO 40 (4lbs/1,000sf double rate)	LB	11	
630.0400	SEEDING NURSE CROP (0.8lbs/1,000sf)	LB	5	
643.0100	TRAFFIC CONTROL (PROJECT)	LS	1	
690.0150	SAWING ASPHALT	LF	24	
SPV.0035.01	POND SEDIMENT REMOVAL AND DISPOSAL	CYD	115	
SPV.0090.01	6-INCH CURLEX SEDIMENT LOG	LF	1350	
SPV.0105.01	POND VEGEATION REMOVAL AND DISPOSAL	LS	1	



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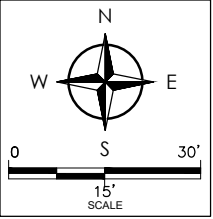
ESTIMATED QUANTITIES

Water Front Trail 22nd Ave W. to Pig Iron Dock

City of Ashland - Parks & Recreation

City of Ashland
Ashland County, WI

REVISIONS	NO.	BY	DATE



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Ref: 2024-180

COUNCIL AGENDA: 8.B.
(7/30/2024)

SUBJECT: Consideration of an Ordinance to Amend Chapter 781 (1764) Unified Development Ordinance (U.D.O.) and Zoning District Map in Pamphlet Form, Ashland City Ordinances (*Planning*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Planning & Development

CLEARANCES: City Attorney, Plan Commission unanimously recommended approval 07/23/2024.

EXHIBITS:

1.	Plan Commission Staff Report
2.	UDO Part 4 Rev
3.	UDO Part 4 Zoning Districts Revised Marked Up
4.	UDO Part 5.1E ADU Language Marked Up
5.	UDO Part 5.6 Accessory Uses Rev Markup
6.	UDO Part 12 Definitions Rev Marked Up
7.	Proposed Ordinance 2024-2003

EXPENDITURES REQUIRED: N/A

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: N/A

TREASURER'S CERTIFICATE: N/A

COMPLIANCE WITH CHAPTER 51: N/A

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed text amendments are consistent with the Comprehensive Plan. They continue to allow ADUs and

therefore the additional housing opportunities permitted when the revised ADU ordinance section took effect in 2020. In allowing more flexibility for housing the standards permit situations where an elderly family member could age in place. A person could perhaps reside in an ADU on a property that the person may have originally owned but is turning over to a younger family member. ADUs may appeal to other people who may have limited options when looking for housing. Staff's goal is to ensure consistency with the housing element of the City's Comprehensive Plan while ensuring consistency in and between UDO sections. ADUs allow for additional infill development on parcels containing a principal structure. This helps encourage development in developed areas of the city rather than in greenfield or conservation buffer areas. The Comprehensive Plan seeks to encourage infill rather than sprawl development.

SUMMARY STATEMENT:

Planning staff and the Plan Commission recommend a number of changes to the UDO sections regarding accessory dwelling units and accessory structures. These changes will ensure consistency between different ordinance sections and clarify when and how accessory structures and accessory dwelling units can be constructed.

Planning staff worked with the City Attorney's office on text amendments to the Unified Development Ordinance (UDO). These amendments address accessory structures and accessory dwelling units. The proposed amendments will ensure consistency between different sections of the UDO regarding accessory structures. The ordinance changes involve multiple sections of the UDO. Please see the included Plan Commission staff report for more information.

****Text amendments are attached for viewing, and the proposed ordinance will be available at the time of the meeting.**

Find yourself next to the water.



City of Ashland, Wisconsin
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**DEPARTMENT OF
PLANNING &
DEVELOPMENT**
601 Main Street West
Ashland, WI 54806

STAFF REPORT

Plan Commission – June 18th, 2024

Agenda Item # 6a: Public Hearing and vote on Unified Development Ordinance Text Amendments

Applicant: Planning and Development Department

Staff Contact: Steven Wiley

Background

Planning staff worked with the City Attorney's office on text amendments to the Unified Development Ordinance (UDO). These address accessory structures and accessory dwelling units. The proposed amendments will ensure consistency between different sections of the UDO regarding accessory structures. The ordinance changes involve multiple sections of the UDO. Staff believes that these text amendments are necessary based on a number of issues that have come up with accessory structures over the past several years. The current ordinance allows for the construction of an accessory structure prior to the construction of a principal structure (generally a home) with a Conditional Use Permit provided that a home is constructed within 2 years of CUP approval. Staff has observed that in most cases the owner does not follow through with the construction of a principal structure. The City then must pursue enforcement action if the owner does not meet the conditions of the Conditional Use Permit. The intent of the ordinance updates is to clarify the requirements regarding accessory structures and accessory dwelling units. The revised language will ensure that new accessory structures are appropriate heights for their parcels and surrounding neighborhoods.

Analysis

The ordinance updates consist of revisions to the following sections of the Unified Development Ordinance:

- Part 4: Zoning Districts
- Part 5.1E Dwelling: Accessory (Accessory Dwelling Units)
- Part 5.6: Accessory Uses and Other Uses
- Part 12: Definitions

The ordinance updates include adding Accessory Dwelling Units (ADUs) as permitted uses in most zoning districts. Currently some districts in the UDO allow for ADUs as permitted uses and some list them as conditional uses. This conflicts with the revised accessory dwelling unit ordinance section (Part 5.1E) that was adopted in 2020 to more easily allow ADUs in zoning districts. Staff proposes some minor changes to the accessory dwelling unit ordinance section to ensure consistency with the revisions

proposed for other ordinance sections. In general, ADUs will continue to be permitted in most zoning districts but after the construction of a principal structure.

The main ordinance changes are proposed for Part 5.6 of the UDO. Staff recommends removing the existing provisions allowing for accessory buildings/structures to exceed the maximum permitted height with a CUP. Staff also recommends removing the provision allowing for the construction of an accessory structure prior to the construction of a primary structure if a CUP is granted. The current ordinance provision allows for a CUP to allow an accessory structure to be constructed prior to a principal structure if the primary structure is constructed within 2 years. Staff has run into issues with applicants stating that they would construct a primary structure, not following through, and having limited enforcement options where a court could potentially not require an applicant to raze the accessory structure approved under the CUP. The neighborhood and City are then left with an accessory structure as the only structure and use on the parcel. The new ordinance language will prevent situations like this. A CUP is not the correct mechanism to allow variations from code because of the limited ability to restrict heights and other elements.

Staff proposes clear language that will eliminate ambiguity and resulting debate about what the intent of the ordinance standards is. The proposed language in Part 5.6 would specifically cap accessory building heights and only allow for the construction of an accessory structure (including an ADU) on parcels where a principal structure already exists. Additionally, no personal storage building constructed as a principal building shall include living quarters.

Staff also recommends for UDO Part 12 (Definitions) the addition of language clarifying that structures consisting of garage space on the first floor and living quarters above are considered accessory dwelling units and not principal structures. The ordinance would not allow the construction of these structures as the sole building on a parcel.

A redline draft of each section where amendments are proposed is provided.

Standards for UDO Text Amendment Review

The City of Ashland's Unified Development Ordinance Section 3.4 (C) Unified Development Ordinance Text Amendment – Approval Criteria (and all subsections thereof), create the legal framework for UDO Text Amendments for the City of Ashland. The following decision criteria were used to review the proposed UDO Text Amendments:

Consistency with the Comprehensive Plan

The proposed text amendments are consistent with the Comprehensive Plan. They continue to allow ADUs and therefore the additional housing opportunities permitted when the revised ADU ordinance section took effect in 2020. In allowing more flexibility for housing the standards permit situations where an elderly family member could age in place. A person could perhaps reside in an ADU on a property that the person may have originally owned but is turning over to a younger family member. ADUs may appeal to other people who may have limited options when looking for housing. Staff's goal is to ensure consistency with the housing element of the City's Comprehensive Plan while ensuring consistency in and between UDO sections. ADUs allow for additional infill development on parcels containing a principal structure. This helps encourage development in developed areas of the city rather than in greenfield or conservation buffer areas. The Comprehensive Plan seeks to encourage infill rather than sprawl development.

Promotion of the public health, safety, morals, and general welfare and efficiency and economy in the process of development

The proposed ordinance amendments promote the public health, safety, morals, and welfare. The intent is to prevent situations where owners shoehorn living quarters into accessory buildings without permits and without following proper approval processes. A number of situations exist where property owners were able to obtain permits to construct accessory structures, later illegally added living quarters, and rented space out without proper approvals and inspections. The ordinance amendments will prohibit the construction of accessory buildings prior to the construction of a primary structure on a parcel. They will require owners to follow clear approval processes and ensure that the correct review standards are applied based on whether a structure is an accessory or a principal structure. The elimination of ambiguity in the accessory structure and other ordinance sections along with the consistency between the sections will clarify the ordinance requirements for staff and property owners.

Compatibility with present zoning and conforming uses of property and character of neighborhoods

The proposed ordinance changes will continue to allow ADUs in most zoning districts and accessory structures in all zoning districts. However, they will ensure that accessory structures have height maximums appropriate for neighborhoods. The intent is to provide for scalability of accessory structures relative to the surrounding primary and accessory buildings in a neighborhood. Increased heights are allowed for accessory structures on larger, outlying parcels that are Future Development zoned. However, for most urban residential parcels, the current CUP exception to the ordinance height maximum is problematic because it allows for situations where the accessory building on a parcel is of a larger scale than the primary structure. This can result in accessory structures that scale-wise are out of place with the surrounding neighborhood. The proposed ordinance amendments allow for accessory buildings of sizes/scales appropriate for most neighborhoods while providing for flexibility in specific cases of ADUs on parcels already containing principal buildings.

Principles of Sustainability specified in Section 1.4: Integration of Principles of Sustainability

The proposed UDO text amendments are consistent with the principles of sustainability. These amendments continue to allow for ADUs which help fulfill an important housing niche left unaddressed by other housing options. The revised ordinance language is sensitive to the City's goal of encouraging infill rather than sprawl development. The language provides much needed clarity to several sections of the UDO and will ensure that accessory structures are compatible scale and timing-wise with the existing neighborhood.

Recommendation

Staff recommends approval of the included UDO Text Amendments.

Additionally, as a Public Hearing is scheduled for the proposed UDO text amendment review, the Plan Commission should hear all input from the public prior to making a determination. A Class 2 public notice was issued on June 4th and June 11th.

Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.

above, the Zoning Administrator or Designated Authorized Agent shall interpret the district boundaries.

E. Zoning for Newly Annexed Land

All land annexed to the City shall automatically be designated FD Future Development District unless otherwise directed by the Common Council as part of the annexation process. Such designation shall remain until definite boundaries and regulations for such land are adopted by the Common Council.

F. Land Use Table & Dimensional Requirements Table

[Appendix C-1: Land Use Table](#) presents a land use table that is intended to help aid the reader in comparing allowable land uses across the various base or (underlying) districts. This table is intended for general reference only. [Appendix C-2: Dimensional Requirements Table](#) presents a table that is intended to help aid in understanding dimensional requirements in each district. If a conflict exists between the information presented in the land use table and the information specified in the text of the districts described in this Part of this Ordinance, the text of the districts shall take precedence.

Predominantly Residential Districts

Sections 4.2 – 4.14 describe the zoning districts in the City of Ashland that are predominantly residential. However, these districts may also allow for a mixture of other uses including commercial, industrial, and public institutional uses. Likewise residential uses may also be allowed in other zoning districts that are predominantly commercial or industrial.

Section 4.2 R-E Residential Estate District

A. Intent

The intent of the R-E Residential Estate District is to provide areas, as guided by the Comprehensive Plan, for single-family detached dwellings (and other compatible uses) on relatively large parcels. Uses in the R-E Residential Estate District may or may not be served by municipal water and/or sanitary sewer service.

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
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services

- d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and ten thousand (10,000) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) 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 permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the R-E Residential Estate 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) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: two-family or duplex
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Cemetery

- (2) Government or community service use
- (3) Religious institution
- (4) School: primary or secondary
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross developable area of five (5) acres or more
 - (2) Forestry, provided that the subject parcel has a gross developable area of five (5) acres or more
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than ten thousand (10,000) square feet of land disturbance, and as a separate activity that is not associated with a building permit or other development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- g. Other uses.
 - ~~(1) Accessory building, if the building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
- 3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the R-E Residential Estate District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, or donkeys, pursuant to [Section 5.6, C.: Animals: Keeping of](#)

- (4) Animals: raising family farm animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (7) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (8) Fence, pursuant to [Section 6.5: Fences](#)
- (9) Foster care: family home
- (10) Greenhouse: local
- (11) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (12) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Signs, pursuant to [Section 6.6: Signs](#)
- (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-E Residential Estate District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One half (1/2) acre.
 - b. Minimum parcel width. One hundred (100) feet.

- c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Forty (40) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows.
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the minimum principal building setback from the interior side parcel line as specified in this section shall be increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** The maximum building coverage shall be as follows:
 - a. All residential uses. Twenty-five (25) percent.
 - b. Other uses. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Thirty (30) percent impervious coverage.
 - b. Other uses. Seventy (70) percent impervious coverage.

Section 4.3 R-1 Single-Family Residential District

A. Intent

The intent of the R-1 Single-Family Residential District is to provide areas, as guided by the Comprehensive Plan, for low-density single-family residential uses and other uses compatible with single-family residential uses.

B. Uses

- 1. **Permitted uses.** The following are permitted uses in the R-1 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~~
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
 - f. Other uses.
 - (1) 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 permitted uses in this district.
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.
- 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, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: two-family or duplex
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.:](#)

- (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
- b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
 - (1) Cemetery
 - (2) Government or community services
 - (3) Religious institution
 - (4) School: primary or secondary
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
 - ~~(1) Accessory building, if the building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Parking lot as the principal use
 - ~~(3)(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.
- 3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the R-1 Single-Family Residential District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

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- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-1 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: single-family detached. Seven thousand (7,000) square feet.
 - (2) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (3) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: single-family detached. Fifty (50) feet.

- (2) Other residential use. Seventy-five (75) feet.
 - (3) Other principal use. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line.
 - (1) All residential use. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.
 - (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
 - d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Thirty (30) percent.
 - b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum allowable impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Forty (40) percent.

- b. Other use. Seventy (70) percent.

Section 4.4 R-2 Single and Two-Family Residential District

A. Intent

The intent of the R-2 Single and Two-Family Residential District is to provide areas, as guided by the Comprehensive Plan, for low-density residential uses allowing both single-family and two-family dwellings and to allow for other uses compatible with single and two-family residences.

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~~
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) 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 permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the R-2 Single and Two-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.

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- (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, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
- (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) Long term housing, pursuant to [Section 5.2, F.: Social Services](#)
- (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
- (10) Community-based Residential Facility
- b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
 - (1) Cemetery
 - (2) Clinic and Medical Office
 - (3) Government or community services
 - (4) Religious institution
 - (5) School: primary or secondary
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as the principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the R-2 Single and Two-Family Residential District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)

- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5 B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-2 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: single-family attached. Seven thousand (7,000) square feet per dwelling unit.
 - (2) Dwelling: single-family detached. Seven thousand (7,000) square feet.
 - (3) Dwelling: two-family or duplex. Ten thousand five hundred (10,500) square feet.
 - (4) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (5) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: single-family attached. Fifty (50) feet per unit.
 - (2) Dwelling: single-family detached: Fifty (50) feet.
 - (3) Dwelling: two-family or duplex. Seventy-five (75) feet.
 - (4) Other residential use. Seventy-five (75) feet.
 - (5) Other principal use. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this Section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line.
 - (1) All residential uses. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.

- (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
- d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Thirty-five (35) percent.
 - b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum impervious coverage shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Forty (40) percent.
 - b. Other use. Seventy (70) percent.

Section 4.5 R-3 Medium Density Residential District

A. Intent

The intent of the R-3 Medium Density Residential District is to provide areas for medium density residential uses in Ashland. The R-3 District is also intended to allow for other uses compatible with medium density residential uses. Areas of medium density residential development may also occur within other districts, including, but not limited to, the MRC Mixed Residential/Commercial, W-MRC Waterfront Mixed Residential/Commercial, PRI Planned Residential/Institutional, CC City Center, and W-CC Waterfront City Center Districts.

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
- b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) 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 permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the R-3 Medium Density 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) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: single-family detached
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Long term housing, pursuant to [Section 5.2, F.: Social Services](#)
 - (9) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)

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- (10) Short term housing, pursuant to [Section 5.2, F.,: Social Services](#)

- (11) Community-based Residential Facility
- b. Commercial uses.
- (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Government or community services
 - (3) Nursing home
 - (4) Religious institution
 - (5) School: primary or secondary
- d. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D.: Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
- ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
- ~~(2)~~(1) Parking lot as the principal use
- ~~(3)~~(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the R-3 Medium Density Residential District, pursuant to all applicable specific use standards.

- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R3 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: multi-family. Five thousand (5,000) square feet per dwelling unit.
 - (2) Dwelling: single-family attached. Five thousand (5,000) square feet per dwelling unit.
 - (3) Dwelling: two-family or duplex. Ten thousand five hundred (10,500) square feet.

- (4) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (5) Other principal use. Fourteen thousand (14,000) square feet.
- b. Minimum parcel width.
 - (1) Dwelling: multi-family. One hundred (100) feet.
 - (2) Dwelling: single-family attached. Thirty-five (35) feet per dwelling unit.
 - (3) Dwelling: two-family or duplex. Seventy-five (75) feet.
 - (4) Other residential use. Seventy-five (75) feet.
 - (5) Other principal use. One (100) feet.
- c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line.
 - (1) All residential uses. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.
 - (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
 - d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**

- a. All residential uses. Forty (40) percent.
 - b. Other use. Fifty (50) percent.
6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
- a. All residential uses. Forty-five (45) percent.
 - b. Other use. Seventy (70) percent.

Section 4.6 R-4 High Density Residential District

A. Intent

The intent of the R-4 High Density Residential District is to provide areas for high-density residential uses in Ashland. The R-4 District is also intended to allow for other uses compatible with high-density residential uses. Other areas of high density residential development may occur within other districts, including, but not limited to, the MRC Mixed Residential/Commercial, W-MRC Waterfront Mixed Residential/Commercial, PRI Planned Residential/Institutional, CC City Center, W-CC Waterfront City Center, and PI Public/Institutional Districts.

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
 - ~~(3)~~(4) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
 - f. Other uses.

- (1) 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 permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the R-4 High Density 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) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dormitory
 - (6) Dwelling: multi-family, if more than eight (8) dwelling units per building
 - (7) Emergency residential facility
 - (8) Fraternity or sorority house
 - (9) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (10) Long term housing pursuant to [Section 5.2, F.: Social Services](#)
 - (11) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (12) Short term housing pursuant to [Section 5.2, F.: Social Services](#)
 - (13) Community-based Residential Facility
 - b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution, a primary or secondary school, or the common facilities of a multi-family dwelling complex and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Government or community service
 - (3) Nursing home
 - (4) Religious institution

- (5) School: primary or secondary
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D.: Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as the principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the R-4 High Density Residential District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)

- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-4 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: multi-family. Two thousand five hundred (2,500) square feet per dwelling unit.
 - (2) Dwelling: single-family attached. Four thousand (4,000) square feet per dwelling unit.
 - (3) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (4) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: multi-family. One hundred (100) feet.
 - (2) Dwelling: single-family attached. Thirty-five (35) feet per dwelling unit.
 - (3) Other residential use. Seventy-five (75) feet.
 - (4) Other principal use. One (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty-five (35) feet.

- b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
- c. Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
- d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** Forty-five (45) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Forty (40) percent.
 - b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Sixty (60) percent.
 - b. Other use. Seventy (70) percent.
- 7. **Minimum floor area per unit in multi-family uses.**
 - a. Efficiency unit. Five hundred (500) square feet.
 - b. One bedroom unit. Six hundred (600) square feet.
 - c. Two bedroom unit. Seven hundred fifty (750) square feet.
 - d. Three or more bedroom units. Seven hundred fifty (750) plus one hundred fifty (150) square feet for each additional bedroom beyond two (2).
- 8. **Minimum floor area per unit for multi-unit senior housing.**
 - a. Efficiency unit. Four hundred fifty (450) square feet.
 - b. One bedroom unit. Five hundred fifty (550) square feet.
 - c. Two bedroom unit. Seven hundred (700) square feet.
 - d. Three or more bedroom units. Seven hundred (700) plus one hundred (100) square feet for each additional bedroom beyond two (2).

Sustainability Tip.
A sustainable community provides housing that meets the needs of all residents. Manufactured home communities provide an affordable housing option for many of Ashland's residents.

Section 4.7 MHC Manufactured Home Community (Mobile Home Park) District

A. Intent

The intent of the MHC Manufactured Home Community (Mobile Home Park) District is to preserve and provide safe and attractive areas in Ashland for manufactured homes (mobile homes) in a manufactured home community (mobile home park) setting.

B. Uses

1. **Permitted uses.** The following uses are permitted in the MHC Manufactured Home Community (Mobile Home Park) 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 for use by the owner or caretaker of the associated manufactured home community
 - (3) Manufactured home, mobile home, and manufactured home community, pursuant to [Section 5.1, G.: Mobile Homes and Mobile/Manufactured Home Communities](#)
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Common facilities for use by residents and guests of a manufactured home community such as a laundromat, indoor and outdoor recreation facilities, and a storm shelter.
 - (2) Parking lot as a principal use, provided that it provides parking for the exclusive use of the residents of the mobile home community and their guests.
 - (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 permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the MHC Manufactured Home Community (Mobile Home Park) District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#).
 - a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served

Section 4.7: MHC Manufactured Home Community District

- (3) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
- (4) Emergency residential, facility provided that not more than fifteen (15) persons are served
- (5) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- (6) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- b. Commercial uses.
 - (1) Day care center: commercial provided that is an accessory use to a religious institution, primary or secondary school, or the common facilities of the manufactured home community and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Religious institution
 - (3) School: primary or secondary
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, provided that it is located on a parcel for which the principal use is a government or community service use, a religious institution, a primary or secondary school, or the common facilities of a manufactured home community, and pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)~~
 - ~~(2)~~(1) Parking lot as the principal use

~~(3)~~(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.

3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the MHC Manufactured Home Community District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Required area for a manufactured home community.** A manufactured home community shall have a minimum area of ten (10) acres.

2. **Lot requirements for manufactured homes.**
 - a. Minimum lot width. Thirty-two (32) feet.
 - b. Minimum lot length. Seventy-five (75) feet.
3. **Required setbacks at the periphery of a manufactured home community.** All principal and accessory buildings shall be set back a minimum of twenty-five (25) feet from parcel or lot lines at the periphery of a manufactured home community.
4. **Required setbacks internal to the manufactured home community.**
 - a. Minimum principal and accessory building setback from all internal street right-of-ways. Ten (10) feet.
 - b. Minimum distance between all principal buildings. Twenty (20) feet.
 - c. Minimum distance between an accessory building and a principal building. Six (6) feet.
 - d. Minimum accessory building setback from an interior parcel line. Three (3) feet.
5. **Maximum allowable principal building height.** No principal building shall exceed one (1) story, nor twenty-five (25) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#).
6. **Height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
7. **Maximum building coverage of a manufactured home lot.**
 - a. Manufactured home. Thirty-five (35) percent.
 - b. Manufactured home and accessory buildings combined. Fifty (50) percent.

Sustainability Tip.
Mixed use districts allow residents the opportunity to live, work, shop, and recreate within walking distance of each other.

D. Special Requirements

1. **Manufactured home community created after January 1, 1996.** A manufactured home community created after January 1, 1996 (or the addition of new lots to an existing manufactured home community) shall be approved through the planned unit development (PUD) process, pursuant to [Section 4.55: PUD Planned Unit Development Overlay District](#).
2. **Licensing, inspection, enforcement, and special design standards.** Licensing, inspection, enforcement, and special design standards of a manufactured home community shall be pursuant to [Section 5.1, G.: Mobile Homes and Mobile/Manufactured Home Communities](#).

Section 4.8 MRC Mixed Residential/Commercial District

A. Intent

The MRC Mixed Residential/Commercial District encompasses areas that have predominantly existing residential uses, but that may also have existing commercial and/or industrial uses, some of which may be incompatible with residential uses and/or the vision for the area as expressed in the City's Comprehensive Plan. The intent of the district is as follows:

1. Encourage the preservation and enhancement of existing residential uses in the district;

2. Encourage a sensitive mixture and integration of new residential uses in the district, including single and two-family dwellings, single-family attached dwellings, and multi-family dwellings;
3. Allow the preservation and enhancement of existing commercial uses that are compatible with the predominantly residential character of the area and the vision for the area as expressed in the City's Comprehensive Plan;
4. Encourage existing commercial and industrial uses that are incompatible with residential uses and/or the vision of the area, as expressed in the Comprehensive Plan, to relocate to other appropriate districts in the city;
5. Encourage redevelopment of sites that have existing incompatible uses by providing flexibility to redevelop those sites with mixed residential uses, compatible commercial uses, and potentially compatible light industrial uses;
6. Encourage redevelopment in the district to occur through the planned unit development (PUD) process at a neighborhood or block scale. If the City of Ashland has adopted a plan for an area in the MRC District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

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.
[\(6\)\(7\) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory](#)
 - b. Commercial uses.
 - (1) Any commercial 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.
 - c. Public, institutional, and civic uses.
 - (1) Public park

-
- d. Utility and communication uses. Section 4.8: MRC Mixed Residential/Commercial District

- (1) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary and seasonal uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) 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 the permitted uses in this district.
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)(1) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory~~
 - ~~(6)(5)~~ Dwelling combined with a conditional use
 - ~~(7)(6)~~ Dwelling: single-family attached, three to six units per building
 - ~~(8)(7)~~ Dwelling: multi-family, three (3) or more dwelling units
 - ~~(9)(8)~~ Emergency residential facility, provided that not more than fifteen (15) persons are served
 - ~~(10)(9)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - ~~(11)(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
 - ~~(12)(11)~~ Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)

~~(13)~~(12) Community-based Residential Facilityb. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
- (2) Artist studio
- (3) Assembly hall
- (4) Bank or financial institution
- (5) Business service
- (6) Car wash
- (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (8) Dry cleaning and laundry drop off and pick up, but excluding processing
- (9) Filling station with or without a convenience store
- (10) Funeral home
- (11) Garden supply or landscaping center
- (12) Household maintenance and repair establishment
- (13) Laundromat
- (14) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (15) Lodging establishment, short stay or extended stay
- (16) Office
- (17) Personal service
- (18) Recreation facility: commercial indoor or outdoor
- (19) Restaurant: carry-out, fast food, drive-in, or sit-down
- (20) Retail establishment: convenience
- (21) Retail establishment: general
- (22) Social services
- (23) Tavern
- (24) Theater
- (25) Tool and equipment rental facility
- (26) Vehicle repair and service
- (27) Veterinary clinic: small animal

c. Industrial uses.

- (1) Contractor's yard, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section

- (2) Freight terminal, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (3) Manufacturing: heavy, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (4) Manufacturing: light, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) or provided that the use is replacing a more intense existing use, and pursuant to the special requirements of this section
 - (5) Public works yard, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (6) Research and development use, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) or provided that the use is replacing a more intense existing use, and pursuant to the special requirements of this section.
- d. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - (4) Nursing home
 - (5) Religious institution
 - (6) School: primary or secondary, or specialty or personal instruction
- e. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Outdoor wood-fired furnace associated with a single-family detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
 - (4) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (5) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
- f. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
- (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
- (3) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- g. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the MRC Mixed Residential/Commercial District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)

- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent. Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be identical to the dimensional requirements of the zoning district in this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a single-family detached dwelling shall meet the dimensional requirements for a single-family detached dwelling in the R-1 Single Family Residential District; the dimensional requirements for a high density residential use shall meet the dimensional requirements for a high density residential use in the R-4 High Density Residential District; and the dimensional requirements for a commercial uses shall meet the dimensional requirements for a commercial use in the NC Neighborhood Convenience District.
2. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the MRC Mixed Residential/Commercial District abuts a less intense existing use (as determined by the Zoning Administrator or Designated Authorized Agent of the City), the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).

D. Special Requirements for Commercial and Industrial Uses

1. **Standards for commercial and industrial uses.**
 - a. Standards for commercial uses in the district. The Common Council of the City of Ashland recognizes that a variety of commercial uses exist in the MRC District. Standards for continuation and/or expansion of commercial uses in the district are as follows:
 - (1) Existing commercial uses (listed as conditional uses in the district) shall be allowed to continue (and potentially expand) in a manner that is compatible with adjacent residential uses.
 - (2) Commercial uses shall not replace existing residential uses, except in unique situations, the Common Council may find that it is in the best interest of the overall community to allow this to occur,

Helpful Note.

Applicants considering development in the MRC District should contact the Zoning Administrator early in the process to learn which dimensional requirements apply to the proposed development.

especially along arterial roads where the dominant existing land use relates to commercial uses.

- (3) Commercial uses shall serve the local and neighborhood population; however, commercial uses adjacent to US Highway 2 may also serve the needs of the traveling public. Commercial uses over twenty thousand (20,000) square feet shall be directed to the RC Regional Commercial District.
- (4) To the extent possible, commercial uses shall be integrated with each other to allow for shared parking and enhanced vehicular and pedestrian access.
- (5) Commercial uses shall be limited to arterial and collector streets.
- b. Standards for industrial uses in the district. The Common Council of the City of Ashland recognizes that a variety of industrial uses exist in the MRC District, especially along arterial and collector streets. Standards for continuation and/or expansion of industrial uses in the district are as follows:
 - (1) Existing contractor yards, freight terminals, heavy manufacturing, public work yards, and similar industrial uses are encouraged to relocate to an appropriate industrial district in the city. However, these uses shall be allowed to continue on the parcels on which they exist. Expansion and/or renovation of the uses may be considered pursuant to the conditional use procedures of this Ordinance, with special consideration given to the impact of the uses on the neighborhood and the overarching vision of the City as expressed in the Comprehensive Plan.
 - (2) New industrial uses in the district are not anticipated. However, in unique situations the Common Council may find that it is in the best interest of the neighborhood and the overall community to allow the replacement of existing, more intense industrial uses with appropriate light manufacturing or research and development uses.
 - (3) Where feasible, appropriate industrial uses in the district shall be clustered and have appropriate screening to reduce possible adverse impacts on the neighborhood and to promote possible synergy between industrial uses.
 - (4) Industrial uses shall be limited to arterial or collector streets, or to areas where there is a distinct cluster of appropriate industrial uses.

2. **Decision criteria and potential conditions of approval.**

- a. Decision criteria. Required approvals associated with commercial and industrial uses in the MRC District shall meet the intent of this district and shall be consistent with all of the conditional use requirements specified in [Section 3.9: Conditional Use Permit](#). Approval or denial of a conditional use permit shall place special emphasis on how the use addresses neighborhood compatibility and protection issues.
- b. Possible conditions of approval. The Common Council may attach appropriate conditions to any approvals associated with a conditional use in the district. Conditions may include, but are not limited to, the following:
 - (1) Limited hours of operation;
 - (2) Limited number, types, and hours of deliveries;
 - (3) Limited or no outdoor storage;

- (4) Limited or no drive through window;
 - (5) Special building and site design standards that ensure compatibility with the neighborhood; and/or
 - (6) Increased screening and/or buffers.
3. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
 4. **Gateway Overlay District requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.9 PRI Planned Residential/Institutional District

A. Intent

The PRI Planned Residential/Institutional District encompasses areas near major institutions in Ashland, including Northland College, Wisconsin Indianhead Technical College, and Memorial Medical Center. Existing uses in the district may include agriculture, open space, and relatively scattered single-family detached dwellings and commercial uses. The intent of the district is as follows:

1. Promote development and/or redevelopment of the district based on traditional neighborhood design principles as described in [Section 4.57: Traditional Neighborhood Design Overlay District](#). Where applicable, development and/or redevelopment shall be consistent with the goals, objectives, and policies of the Binsfield Road/Ellis Avenue Neighborhood Plan described in the City's Comprehensive Plan and/or other subsequent and related plans approved by the City;
2. Encourage development and redevelopment in the district to occur through the planned unit development (PUD) process at a neighborhood or block scale;
3. Promote a mix of residential uses that provide a variety of residential styles, types, and sizes to accommodate households of various ages, sizes, and incomes;
4. Encourage the development and/or redevelopment of public, civic, and institutional uses that will have a synergistic relationship with existing nearby institutions. Examples of such uses may include, but are not limited to, the following: government offices, research institutions, not-for-profit organizations, schools, parks, religious institutions, residential care facilities, clinics, and similar uses;
5. Allow for the development and/or redevelopment of "green" or light industrial uses that have a synergistic relationship with existing nearby institutions. These uses shall not create excessive pollution, congestion, noise, or other adverse conditions that are inconsistent with the mixed-use character of the district. Examples of acceptable uses may include, but are not limited to, the following: light industries that develop and produce sustainable building products, medical industries, research and development uses, and clean, high-tech industries. Where feasible, it is the intent of this district to encourage the clustering of light industries in the district to enhance the environmental, social, and economic performance of individual industries through collaboration with other industries and institutions in the district;

Sustainability Tip.
The PRI District provides a unique opportunity to create a development that incorporates principles of sustainability. Refer to the Comprehensive Plan for additional information on this area.

6. Encourage the limited development of neighborhood convenience uses that provide the district with convenient, pedestrian access to commercial uses that serve the frequent commercial needs of the local area. Direct large-scale commercial development to the RC Regional Commercial District;
7. Incorporate a transportation system that offers public transit opportunities and multiple routes for motorists, bicyclists, and pedestrians;
8. Protect and enhance significant natural features in the district, including, but not limited to, the Bay City Creek Corridor, wetlands, and woodlands.

B. Uses

1. **Uses that are not part of an approved planned unit development (PUD).**
 - a. Uses in existence prior to the adoption of this ordinance. Any 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.
 - b. New residential development in established residential neighborhoods. A single-family detached dwelling shall be a permitted use in established residential neighborhoods (as determined by the Zoning Administrator or Designated Authorized Agent), provided that the dwelling is served by public sanitary sewer and water. Single-family dwellings in established residential neighborhoods shall be consistent with the provisions of the R-1 Single-Family Residential District.
 - c. Other uses. All uses that are not part of an approved planned unit development, were not in existence prior to the adoption of this ordinance, and are not a single-family detached dwelling served by public sanitary sewer and water, shall be consistent with the FD Future Development District provisions of this Ordinance, except that all permitted uses in the FD District shall be conditional uses in the PRI District. The Zoning Administrator or Designated Authorized Agent of the City shall have the option of waiving the requirement for conditional use permit approval for minor or accessory uses that do not have a major impact on the district, including fences, signs, minor renovations, and similar uses.
2. **Uses that are part of an approved planned unit development (PUD).** Uses that are part of a planned unit development (PUD) in the PRI District shall be established in the planned unit development (PUD) ordinance. The uses shall relate to the intent of this district and (where applicable) the goals, objectives, and policies, of the Binsfield Road/Ellis Avenue Neighborhood Plan described in the City's Comprehensive Plan and/or other subsequent plans approved by the City.

C. Dimensional Requirements

1. **Basic dimensional requirements for permitted, conditional, and accessory uses that are not part of an approved planned unit development (PUD).** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be identical to the dimensional requirements of the FD Future Development District.

2. **Basic dimensional requirements for permitted, conditional, and accessory uses that are part of an approved planned unit development (PUD).** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be established in an approved planned unit development (PUD) ordinance and shall be consistent with generally accepted traditional neighborhood design principles.

D. Special Requirements

1. **Planned unit development (PUD) area requirement.** The minimum area for a planned unit development in the PRI District is twenty (20) acres. However, the Common Council can waive this requirement if it finds that the PUD encompasses a clearly defined area that will not preclude logical development of adjacent properties in a manner consistent with the intent of this section.
2. **Planned unit development (PUD) procedures and approval.** A planned unit development (PUD) in the PRI District shall follow the procedures and approval requirements specified in [Section 4.55: PUD Planned Unit Development Overlay](#), except as modified in this section. Approval or denial of a planned unit development (PUD) application shall clearly state how the planned unit development (PUD) application meets or fails to meet the intent of the PRI District.

Sustainability Tip.

The NC District allows convenient and pedestrian oriented access to local businesses that help meet the needs of the surrounding neighborhood. This helps promote economic development while reducing the need for automobile transportation.

Section 4.10 – 4.14 (Reserved for potential additional residential districts.)

Predominantly Commercial Districts

Sections 4.15. – 4.19. describe the zoning districts in the City of Ashland that are predominantly commercial. However, these districts may also allow for a mixture of other uses including residential, industrial, and public institutional uses. Likewise commercial uses may also be allowed in other zoning districts that are predominantly residential or industrial.

Section 4.15 NC Neighborhood Convenience District

A. Intent

The intent of the NC Neighborhood Convenience District is to provide areas of neighborhood convenience retail sales and services that serve the local or neighborhood population, rather than the regional population. Uses in this district are intended to be compatible with the surrounding residential neighborhood. Neighborhood convenience uses may also occur within other pertinent districts in Ashland, including, but not limited to, the MRC Mixed Residential/Commercial, the PRI Planned Residential/Institutional Districts, and the W-MRC Waterfront Mixed Residential/Commercial District.

B. Uses

1. **Permitted uses.** The following uses are permitted in the NC Neighborhood Convenience District pursuant to all specific use standards.

Part 4: Zoning Districts

Section 4.15: NC Neighborhood Convenience District

- a. Residential uses.
Dwelling, provided that the dwelling is combined with a permitted or conditional use
- b. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Bank or financial institution
 - (4) 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
 - (5) Business service
 - (6) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (7) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (8) Household maintenance and repair establishment
 - (9) Laundromat
 - (10) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (11) Office
 - (12) Personal service
 - (13) Retail: convenience or general, not to exceed two thousand five hundred (2,500) square feet
 - (14) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - (4) Public park
 - (5) Religious institution
 - (6) School: primary, secondary, specialty, or personal instruction
- d. Utility and communication uses.
 - (1) Essential services
- e. Agriculture, forestry, and open space uses.
 - (1) Open space: public or private
- f. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) 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.
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.
 - a. Residential uses
 - (1) Adult family home pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or rooming house
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that fifteen (15) or fewer persons are served by the facility
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Emergency residential shelter, 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 facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - b. Commercial uses.
 - (1) Assembly hall
 - (2) Car wash
 - (3) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (4) Filling station with or without a retail convenience use
 - (5) Funeral home
 - (6) Garden supply or landscaping center
 - (7) Lodging establishment: short stay or extended stay
 - (8) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)

- (9) Recreation facility: commercial indoor or outdoor
- (10) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
- (11) Restaurant: carry-out or fast food, drive-in, or sit-down
- (12) Retail: convenience or general, exceeding two thousand five hundred (2,500) square feet
- (13) Social Services, pursuant to [Section 5.2 F.: Social Services](#)
- (14) Theater
- (15) Tool and equipment rental facility
- (16) Vehicle repair and/or service
- c. Public, civic, and institutional uses.
 - (1) Nursing home
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
- f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use.
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
- 3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the NC Neighborhood Convenience District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. Parcel requirements. The minimum parcel requirements in the NC Neighborhood Convenience District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) square feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.

2. Setback requirements for principal building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Ten (10) feet.
 - b. Minimum principal building setback from corner street side parcel line. Ten (10) feet.
 - c. Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - d. Minimum principal building setback from rear parcel line. Twenty-five (25) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
7. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the NC Neighborhood Convenience District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

Section 4.16 RC Regional Commercial District

A. Intent

The intent of the RC Regional Commercial District is to provide areas for commercial uses along major streets and highways in the city for the convenience of travelers, tourists, and the residents of Ashland. The district is intended to provide for a full range of commercial uses to be located on sites with immediate access to arterial or collector streets. It is also the intent of the district to allow the continuation of existing residential uses in the district, while allowing the sensitive conversion of residential parcels to appropriate commercial uses that can benefit from the district's proximity to arterial or collector streets. Commercial uses in the RC District are not intended to weaken the commercial vitality of the CC City Center District. It is also the intent of the RC Regional Commercial District to conditionally allow the continuation of existing industrial uses in the district, while encouraging the industrial uses to relocate to an appropriate industrial district in the city.

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
 - ~~(2)(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~~

- b. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution
 - (5) Business service
 - (6) Car wash
 - (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (8) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (9) Funeral home
 - (10) Garden supply or landscaping center
 - (11) Home improvement center
 - (12) Household maintenance and repair establishment
 - (13) Laundromat
 - (14) Lodging establishment: short stay
 - (15) Lodging establishment: extended stay
 - (16) Office
 - (17) Personal service
 - (18) Recreation facility: commercial indoor
 - (19) Recreation facility: commercial outdoor
 - (20) Restaurant: carry-out, fast food, or sit-down.
 - (21) Retail: convenience
 - (22) Retail: general
 - (23) Tavern
 - (24) Theater
 - (25) Tool and equipment rental facility
 - (26) Vehicle repair and/or service
 - (27) Vehicle sales and/or rental
 - (28) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Clubs and associations
 - (3) Government or community service use

- (4) Museum
 - (5) Public park
 - (6) Religious institution
 - (7) School: primary or secondary, specialty or personal instruction
 - d. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - (3) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) Drive-through window associated with a permitted or conditional use
 - (2) 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.
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)(1) 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~~
 - ~~(8)(7)~~ Emergency residential facility

- ~~(9)~~(8) Home occupation, if the use exceeds the pertinent standards specified in *Section 5.1, F.: Home Occupation*
- ~~(10)~~(9) Rehabilitation center/transitional living facility, pursuant to *Section 5.1, J.: Rehabilitation Center/Transitional Living Facility*
- ~~(11)~~(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

b. Commercial uses.

- (1) Adult entertainment establishment, pursuant to *Section 5.2, A.: Adult Entertainment Establishment*
- (2) Adult retail establishment
- (3) Agricultural services
- (4) Animal boarding, animal training, or animal grooming, with an outdoor kennel and/or outdoor run
- (5) Currency exchange, payday loan establishment, or title loan agency, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
- (6) Dry cleaning and/or laundry: onsite processing
- (7) Filling station
- (8) Freight terminal: local
- (9) Manufactured home dealer, sales and display, pursuant to *Section 5.2, E.: Manufactured Home Dealer, Sales and Display*
- (10) Pawn shop, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
- (11) Rent-to-own establishment, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
- (12) Social services, pursuant to *Section 5.2, F.: Social Services*
- (13) Veterinary clinic: large animal
- (14) Warehouse: self-storage

c. Industrial uses.

- (1) Any industrial use (as determined by the Zoning Administrator or Designated Authorized Agent of the City) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming use at that time) shall be a conditional use on the subject parcel provided that the use has not lapsed for more than twelve (12) consecutive months

d. Public, civic, and institutional uses.

- (1) Nursing home

- e. Agricultural uses.
 - (1) Agricultural services
 - f. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - g. Temporary, seasonal, or land filling/excavation uses.
 - h. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the RC Regional Commercial District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)

- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the RC Regional Commercial District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. **Minimum parcel area.** Twenty thousand (20,000) square feet.
 - b. **Minimum parcel width.** One hundred fifty (150) square feet.
 - c. **Exceptions to parcel requirements.** Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. **Minimum principal building setback from front parcel line.** Thirty (30) feet.
 - b. **Minimum principal building setback from corner street side parcel line.** Thirty (30) feet.
 - c. **Minimum principal building setback from interior side parcel line.** Fifteen (15) feet.
 - d. **Minimum principal building setback from rear parcel line.** Thirty (30) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
7. **Buffer requirement between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the RC Regional Commercial District abuts a

less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. **Gateway Overlay District requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the gateway overlay requirements specified in [Section 4.47 GTWY-O Gateway Overlay District](#).
2. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).

Section 4.17 CC City Center District

A. Intent

The intent of the CC City Center District is to encourage and foster the further development and enhancement of the downtown (city center) area. The district requirements recognize the unique characteristics of the city center area as the heart of the city. The city center provides a mix of traditional downtown uses that are consistent with the vision for the area as expressed in the Comprehensive Plan, including retail, entertainment, offices, services, government facilities, and a mixture of residential uses. However, the district also includes a variety of industrial uses, some of which may not be compatible with the City's vision for the district. Should an existing industrial use in this district cease to exist, it is the intent of this district to encourage the parcel to transition to a use consistent with the vision of the area as expressed in the Comprehensive Plan.

B. Uses

1. **Permitted uses.** The following are permitted uses in the CC City Center District.
 - 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~~
 - ~~(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~~
 - b. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution
 - (5) Business service
 - (6) Conference center
 - (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)

(8) Dry cleaning and laundry, drop off and pickup ~~Section 4.16b Regional Connecting District~~

- (9) Funeral home
- (10) Household maintenance and repair establishment
- (11) Laundromat
- (12) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (13) Office
- (14) Personal service
- (15) Recreation facility: commercial indoor
- (16) Restaurant: carry-out, fast food, or sit-down
- (17) Retail: convenience or general
- (18) Tavern
- (19) Theater
- (20) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - (4) Museum
 - (5) Public park
 - (6) School: primary, secondary, or specialty or personal instruction
 - (7) Religious institution
- d. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
- e. Open space uses.
 - (1) Open space: public or private
- f. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) 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 the permitted uses in this district.

2. **Conditional uses.** The following are conditional uses in the CC City Center 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 a maximum of fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - ~~(5)(1) 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~~
 - ~~(6)(5) Dwelling combined with conditional use~~
 - ~~(7)(6) Dwelling: multi-family, three (3) or more units per building~~
 - ~~(8)(7) Dwelling: single-family attached, no more than six (6) units per building~~
 - ~~(9)(8) Dwelling: single-family detached~~
 - ~~(10)(9) Dwelling: two-family or duplex~~
 - ~~(11)(10) Emergency residential facility~~
 - ~~(12)(11) Home occupation, if the use exceeds the pertinent standards specified in Section 5.1, F.: Home Occupation~~
 - ~~(13)(12) Rehabilitation center/transitional facility, pursuant to Section 5.1, J.: Rehabilitation Center/Transitional Living Facility~~
 - ~~(14)(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~~
- b. Commercial uses.
- (1) Adult retail establishment
 - (2) Car wash
 - (3) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (4) Filling station
 - (5) Freight terminal: local
 - (6) Garden supply and landscaping center
 - (7) Home improvement center

- (8) Lodging establishment: short stay or extended stay
 - (9) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (10) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (11) Restaurant: drive-in
 - (12) Recreation facility: commercial outdoor
 - (13) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (14) Tool and equipment rental facility
 - (15) Vehicle repair and/or service
 - (16) Vehicle sales and/or rental
 - (17) Warehouse: self-storage, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive
- c. Industrial uses.
- (1) Any industrial use (as determined by the Zoning Administrator or Designated Authorized Agent of the City) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming use at that time) shall be a conditional use on the subject parcel provided that the use has not lapsed for more than twelve (12) consecutive months since the date of the adoption of this ordinance.
- d. Public, civic, and institutional uses.
- (1) Nursing home
- e. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- f. Temporary, seasonal, or land filling/excavation uses.
- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)

g. Other uses.

~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~

~~(2)~~(1) Drive-through window associated with a permitted or conditional use

~~(2)~~(2) Parking lot as a principal use

~~(4)~~(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.

3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the CC City Center District, pursuant to all applicable specific use standards.

- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#).
- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator.

- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the CC City Center District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Three thousand five hundred (3,500) square feet.
 - b. Minimum parcel area for properties located in the GTWY-O Gateway Overlay District. Twenty thousand (20,000) square feet, except that a smaller parcel area may be allowed with the approval of a conditional use permit.
 - c. Minimum parcel width. Twenty-five (25) feet.
 - d. Minimum parcel width for properties located in the GTWY-O Gateway Overlay District. One-hundred forty (140) feet, except that a smaller parcel width may be allowed with approval of a conditional use permit.
2. **Setback requirements of a principal building from all parcel lines.** None, except that all parcels in the GTWY-O Gateway Overlay District shall meet the requirements specified in Section 4.47: GTWY-O Gateway Overlay District. Setbacks may be reduced with the approval of a conditional use permit.
3. **Maximum parcel coverage.** One hundred (100) percent, except that all parcels in the GTWY-O Gateway Overlay District shall meet the following:
 - a. Maximum building coverage of the parcel. Fifty percent (50%).
 - b. Maximum impervious coverage. Seventy percent (70%), except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
4. **Maximum height of principal building.** The maximum height of a principal building as measured pursuant to [Section 6.1, C.: Building Height](#) shall be forty-five (45) feet, except that parcels in the GTWY-O Gateway Overlay District shall be thirty-five (35) feet. A principal building may be allowed to exceed the height requirement with the approval of a conditional use permit.
5. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings in the district shall be as specified in [Section 5.6, A.: Accessory Building](#).
6. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the CC City Center District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. **Standards for industrial uses in the district.** The Common Council of the City of Ashland recognizes that a variety of industrial uses exist in the CC District. Standards for continuation and/or expansion of industrial uses in the district are as follows:
 - a. Existing industrial uses shall be allowed to continue on the parcels on which they exist. Expansion or improvements to existing industrial uses may be considered pursuant to the conditional use procedures of this Ordinance, with special

consideration given to the impact of the uses on the neighborhood and the overarching vision of the City as expressed in the Comprehensive Plan.

- b. New industrial uses in the district are not anticipated. However, in unique situations the Common Council may find that it is in the best interest of the neighborhood and the overall community to allow the replacement of existing, more intense industrial uses, with appropriate light manufacturing, research and development, or similar industrial uses, that have less of an adverse impact on the surrounding area.
2. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#).
3. **Gateway Overlay District requirements.** Parcels within the Gateway Overlay District shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Sections 4.18 – 4.19 (Reserved for potential additional commercial districts.)

Predominantly Industrial Districts

Sections 4.20 – 4.24 describe the zoning districts in the City of Ashland that are predominantly industrial. However, these districts may also allow for a mixture of other uses including residential, commercial, and public institutional uses. Likewise industrial uses may also be allowed in other zoning districts that are predominantly commercial.

Section 4.20 MCI Mixed Commercial/Industrial District

A. Intent

The MCI Mixed Commercial/Industrial District encompasses an area that has been historically industrial, but is currently composed of a mixture of commercial and industrial uses. The intent of this district is to allow continued use of commercial and industrial uses in the district in a manner that is compatible with surrounding residential uses.

B. Uses

1. **Permitted uses.** The following uses are permitted in the MCI Mixed Commercial/Industrial District pursuant to all applicable specific use standards.
 - a. Commercial uses.
 - (1) Artist studio
 - (2) Assembly hall
 - (3) Bank or financial institution
 - (4) Business service
 - (5) Car wash
 - (6) Dry cleaning and laundry drop off and pick up, but excluding processing
 - (7) Freight terminal: local
 - (8) Filling station with or without a convenience store
 - (9) Household maintenance and repair establishment
 - (10) Laundromat

- (11) Office
 - (12) Personal service
 - (13) Recreation facility: commercial indoor or outdoor
 - (14) Restaurant: carry-out, fast food, drive-in, or sit down
 - (15) Retail establishment: convenience or general
 - (16) Theater
 - (17) Tool and equipment rental facility
 - (18) Vehicle repair and service
 - (19) Veterinary clinic: small animal
 - b. Industrial uses.
 - (1) Contractor's shop
 - (2) Dry cleaning and/or laundry: onsite commercial processing
 - (3) Manufacturing: light
 - (4) Public works yard
 - (5) Research and development
 - c. Public, institutional, and civic uses.
 - (1) Public park
 - d. Utility and communication uses.
 - (1) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - g. Other uses.
 - (1) 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 the permitted uses in this district.
2. **Conditional 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.
- a. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, with an outdoor kennel and/or outdoor run

- (2) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (3) Vehicle sales and/or rental
- b. Industrial uses.
 - (1) Composting facility: community or indoor pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (2) Contractor's yard
 - (3) Freight terminal: commercial
 - (4) Power generation plant
 - (5) Recycling facility: community, pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - (6) Warehouse: general
 - (7) Wholesale and distribution center
- c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
- d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
- f. Other uses.
 - ~~(1) — Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
- 3. **Accessory uses.** The following uses are allowed as an accessory use to a permitted or conditional use in the MCI Mixed Commercial/Industrial District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)

- (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (4) Fence, pursuant to [Section 6.5: Fences](#)
- (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (9) Signs, pursuant to [Section 6.6: Signs](#)
- (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (11) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (12) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (13) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One-half (1/2) acre.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public park, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this Section.
2. **Setback requirements for principal buildings.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#).
4. **Maximum building height.**

- a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) feet may be allowed pursuant to the approval of a conditional use permit.
- b. Accessory building. The height of an accessory building shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
7. **Buffer requirement between different uses.** Wherever a more intense proposed use (or an expansion of a more intense existing use) in the MCI Mixed Commercial/Industrial District abuts a less intense existing use (as determined by the Zoning Administrator or Designated Authorized Agent), the more intense use shall provide a buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. **Gateway overlay district requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.21 LI Light Industrial District

A. Intent

The intent of the LI Light Industrial District is to provide an area for storage, warehousing, wholesaling, light manufacturing, and similar uses that do not create excessive pollution, congestion, noise, or other adverse conditions that are inconsistent with the surrounding area. Properties in the LI Light Industrial District can serve as a transitional land use between the more intensive heavy industrial sites and other residential and business uses. It is also the intent of this district to allow existing uses, including residential and agricultural uses, to continue in the district until they can logically and sensitively transition to an industrial use.

B. Uses

1. **Permitted uses.** The following uses are permitted in the LI Light Industrial District pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Dwelling: single-family detached, provided that the dwelling 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 the adoption of this ordinance
 - b. Commercial uses.
 - (1) Freight terminal: local
 - (2) Tool and equipment rental facility
 - (3) Vehicle repair and/or service
 - (4) Warehouse: self-storage

- c. Industrial uses.
 - (1) Contractor's shop
 - (2) Dry cleaning and/or laundry: onsite commercial processing
 - (3) Manufacturing: light
 - (4) Public works yard
 - (5) Research and development
 - (6) Warehouse: general
 - (7) Wholesale and distribution center
 - d. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - e. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - f. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross area of five (5) acres or more
 - (2) Agricultural research facility
 - (3) Agricultural services
 - (4) Forestry, provided that the subject parcel has a gross area of five (5) acres or more
 - (5) Open space: private or public
 - g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - h. Other uses.
 - (1) 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 permitted uses in this district
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.
- a. Residential uses.
 - (1) Bed and breakfast establishment associated with a permitted dwelling, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)

- (2) Dwelling that serves as a caretaker's residence for a permitted or conditional use
- (3) Home occupation associated with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- b. Commercial uses.
 - (1) Adult entertainment establishment, pursuant to [Section 5.2, A.: Adult Entertainment Establishment](#)
 - (2) Animal boarding, animal grooming, or animal training, with or without outdoor kennels and/or outdoor runs
 - (3) Artist studio
 - (4) Business service
 - (5) Car or truck wash
 - (6) Day care center: commercial, provided that it is an accessory use to a permitted or conditional use and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (7) Garden supply or landscaping center
 - (8) Home improvement center
 - (9) Household maintenance and repair establishment
 - (10) Manufactured home dealer, sales and display, pursuant to [Section 5.2, E.: Manufactured Home Dealer, Sales and Display](#)
 - (11) Office as a principal use
 - (12) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (13) Recreation facility: commercial indoor or outdoor
 - (14) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (15) Retail: convenience or general as a principal use
 - (16) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (17) Vehicle sales and/or rental
 - (18) Veterinary clinic: large or small animal, with or without outdoor kennels or runs
- c. Industrial uses.
 - (1) Composting facility: community or indoor, pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (2) Contractor's yard
 - (3) Freight terminal: commercial

- (4) Power generation plant
 - (5) Recycling facility pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - d. Public, civic, and institutional uses.
 - (1) School, specialty or special instruction
 - e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - f. Temporary, seasonal, or land filling/excavation uses.
 - g. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)~~
 - ~~(2)(1)~~ Parking lot as a principal use
 - ~~(2)(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the LI Light Industrial District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, and donkeys, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fence, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)

- (11) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (12) Office, provided that it is accessory to a permitted or conditional use.
- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Signs, pursuant to [Section 6.6: Signs](#)
- (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent
- (23) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

- 1. **Parcel requirements.** Parcel requirements shall be as follows except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre
 - b. Minimum parcel width. One hundred (100) feet
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.

- d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
- 3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#).
- 4. **Maximum building height.**
 - a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) feet may be allowed pursuant to the approval of a conditional use permit.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
- 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

Section 4.22 HI Heavy Industrial District

A. Intent

The intent of the HI Heavy Industrial District is to provide areas in the City for intense industrial uses. The HI District is intended to be separated from residential development and it is intended to be limited to areas where adequate transportation and pertinent utilities and services exist. It is also the intent of this district to allow existing uses, including residential and agricultural uses, to continue in the district until they can logically and sensitively transition to an industrial use.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the HI Heavy Industrial District pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Dwelling: single-family detached, provided that the dwelling 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 the adoption of this ordinance
 - b. Commercial uses.
 - (1) Freight terminal: local
 - (2) Tool and equipment rental facility
 - (3) Vehicle repair and/or service
 - (4) Warehouse: self-storage
 - c. Industrial uses.
 - (1) Contractor's shop
 - (2) Contractor's yard
 - (3) Dry cleaning and/or laundry: onsite commercial processing

- (4) Freight terminal: commercial
 - (5) Manufacturing: light
 - (6) Manufacturing: heavy
 - (7) Public works yard
 - (8) Research and development
 - (9) Warehouse: general
 - (10) Warehouse: self-storage
 - (11) Wholesale and distribution center
 - d. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - e. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - f. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross area of five (5) acres or more
 - (2) Agricultural research facility
 - (3) Forestry, provided that the subject parcel has a gross area of five (5) acres or more
 - (4) Agricultural services
 - (5) Open space: private or public
 - g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - h. Other uses.
 - (1) 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 permitted uses in this district
2. **Conditional uses.** The following conditional uses are allowed in the HI Heavy 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.
- a. Residential uses.
 - (1) Bed and breakfast associated with a permitted dwelling, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)

- (2) Dwelling that serves as a caretaker's residence for a permitted or conditional use
- (3) Home occupation permitted with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- b. Commercial uses.
 - (1) Adult entertainment establishment, pursuant to [Section 5.2, A.: Adult Entertainment Establishment](#)
 - (2) Animal boarding, animal grooming, or animal training, with or without outdoor kennels and/or outdoor runs
 - (3) Artist studio
 - (4) Business service
 - (5) Car or truck wash
 - (6) Day care center: commercial, provided that it is an accessory use to a permitted or conditional use and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (7) Garden supply or landscaping center
 - (8) Home improvement center
 - (9) Household maintenance and repair establishment
 - (10) Manufactured home dealer, sales and display, pursuant to [Section 5.2, E.: Manufactured Home Dealer, Sales and Display](#)
 - (11) Office as a principal use
 - (12) Recreation facility: commercial indoor or outdoor
 - (13) Vehicle sales and/or rental
 - (14) Veterinary clinic: large or small animal, with or without outdoor kennels or runs
- c. Industrial uses.
 - (1) Batch plant: concrete or asphalt
 - (2) Composting facility: community or indoor, pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (3) Grain elevator
 - (4) Landfill: construction debris
 - (5) Mined materials: processing and/or recycling
 - (6) Power generation plant
 - (7) Recycling facility, pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - (8) Salvage operation: indoor and/or outdoor
- d. Public, civic, and institutional uses.

- (1) School, specialty or special instruction
 - e. Utility and communication uses.
 - (1) Communication equipment: major pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D.: Wind Energy Facility](#)
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Mining, consistent with [Chapter NR 135 of the Wisconsin Administrative Code](#) and all other applicable regulations
 - g. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the HI Heavy Industrial District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#).
 - (2) Animals: keeping domestic animals, provided that the animals are accessory to a permitted residential use, and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, and donkeys provided that the animals are accessory to a permitted residential use, and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fences, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (11) Landscaping and/or gardening
 - (12) Office, accessory to a permitted or conditional use.

- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Solar equipment
- (18) Swimming pool for private recreation use, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (21) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (22) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels.](#)
 - a. Minimum parcel area. Two (2) acres
 - b. Minimum parcel width. One hundred (100) feet
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback Requirements.** Setback requirements shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks.](#)
 - a. Minimum principal building setback from front parcel line. Fifty (50) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building.](#)
4. **Maximum building height.**

- a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) may be allowed pursuant to the approval of a conditional use permit.
- b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements for Parcels in the Ashland Industrial Park

Those parcels zoned HI Heavy Industrial District in the Ashland Industrial Park shall comply with the provisions of [Section 5.3, A.: Ashland Industrial Park](#) and City of Ashland [Ordinance 469](#).

Sections 4.23 – 4.24 (Reserved for potential additional industrial districts.)

Waterfront Districts

Sections 4.25 – 4.34 describe the waterfront zoning districts. The waterfront zoning districts promote a variety of uses that are intended to have a strong relationship with the waterfront.

Section 4.25 W-SFR Waterfront Single-Family Residential District

A. Intent

The intent of the W-SFR Waterfront Single-Family Residential District is to recognize existing single-family dwellings within the waterfront area and to permit redevelopment and continued use of the dwellings in a manner that enhances their relationship with the waterfront.

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](#)
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.

(1) Open space: private or public

Section 4.22: HI Heavy Industrial District

- e. Temporary or seasonal uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
- f. Other uses.
 - (1) 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 permitted uses in this district.
- 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: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory~~
 - ~~(5)(4)~~ Dwelling: two-family or duplex
 - ~~(6)(5)~~ Emergency residential facility, provided that not more than fifteen (15) persons are served
 - ~~(7)(6)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - ~~(8)(7)~~ Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - ~~(9)(8)~~ Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Public, civic, and institutional uses.
 - (1) Government or community service use
 - c. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility system, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - d. Temporary or seasonal uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- e. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-SFR Waterfront Single-Family Residential District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fences, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)

- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. Parcel requirements.

- a. Minimum parcel area.
 - (1) A parcel that has a single-family detached dwelling as its principal use shall have a minimum area of seven thousand (7,000) square feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - (2) A parcel that has a principal use other than a single-family detached dwelling shall have a minimum area of fourteen thousand (14,000) square feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- b. Minimum parcel width.
 - (1) A parcel that has a single-family detached dwelling as its principal use shall have a minimum width of fifty (50) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - (2) A parcel that has a principal use other than a single-family detached dwelling shall have a minimum width of one hundred (100) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this Section.

2. Setback requirements for principal building.

- a. Minimum principal building setback from the road right-of-way.
 - (1) A single-family detached dwelling shall be set back a minimum of twenty-five (25) feet from the road right-of-way, except as may be modified based on the average setback from the front parcel line calculation pursuant to [Section 6.1, B.: Setbacks](#).
 - (2) A principal use, other than a single-family detached dwelling, shall be set back a minimum of thirty-five (35) feet from the road right-of-way.
- b. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
- c. Minimum principal building setback from corner street side parcel line.
 - (1) A single-family detached dwelling shall be set back a minimum of twenty (20) feet from the corner street side parcel line, except as may be modified based on

the average setback from the corner street side parcel line calculation pursuant to [Section 6.1, B.: Setbacks](#).

- (2) A principal building, other than a single-family detached dwelling, shall be set back a minimum of thirty (30) feet from the corner street side parcel line.
 - d. Minimum principal setback from interior side parcel line.
 - (1) A single-family detached dwelling shall be setback a minimum of ten (10) feet from an interior side parcel line, except as modified pursuant to [Section 6.1, B.: Setbacks](#).
 - (2) A principal building, other than a single-family detached dwelling, shall be set back a minimum of fifteen (15) feet from an interior side parcel line.
 - e. Minimum principal building setback from rear parcel line. All principal buildings shall be set back a minimum of thirty-five (35) feet from the rear parcel line.
 3. **Setback requirements for accessory buildings.** Accessory buildings shall be set back from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).
 4. **Maximum building height.**
 - a. Principal building. No building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building associated with a government or community service, a religious institution, or a primary or secondary school may exceed thirty-five (35) feet in height provided the setback requirements from the side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
 5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed twenty-five (25) percent of the parcel area.
 6. **Maximum impervious coverage of the parcel:** Forty (40) percent
- D. **Special Requirements**
1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
 2. **Waterfront Overlay District requirements.** All uses shall meet the requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).

Section 4.26 W-MRC Waterfront Mixed Residential/Commercial District

A. Intent

The W-MRC Waterfront Mixed Residential/Commercial District encompasses an area between US Highway 2 and Lake Superior that may have existing industrial, commercial, and residential uses that do not have a strong relationship to the waterfront, nor do they provide public views or access to the waterfront. The primary intent of the district is to encourage existing industrial uses in the district to relocate to appropriate industrial districts in the city. Also, where feasible, the intent of the district is to encourage redevelopment of existing commercial and residential uses in a manner that enhances the relationship of these uses to the waterfront and, to the maximum

extent possible, provides public views and access to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage existing industrial uses in the district to relocate to appropriate industrial districts in the city;
2. Encourage the development and redevelopment of residential and/or commercial uses in a manner that promotes public views and access to the waterfront, where feasible;
3. Allow a mixture of residential uses, but encourage housing that includes public open space that promotes views and access to the waterfront;
4. Encourage development of commercial uses that cater to people using the waterfront and to the traveling public. Examples of such uses may include tourist-oriented retail, indoor and outdoor recreation facilities, lodging establishments, and restaurants. This district is not intended to accommodate large-scale regional commercial development;
5. Where feasible, encourage waterfront public/institutional uses in the district;
6. Encourage development in the district to occur through the planned unit development (PUD) process at a neighborhood or district scale to help ensure coordination between uses. Where feasible, encourage shared parking and pedestrian and vehicular access between uses. If the City of Ashland has adopted a plan for an area in the W-MRC District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

B. Uses

1. **Allowable uses that are part of an approved planned unit development (PUD).**
Allowable uses that are part of an approved planned unit development (PUD) in the W-MRC Waterfront Mixed Residential/Commercial District shall be established in accordance with the Planned Unit Development (PUD) District. The uses shall be consistent with the intent of this district and the goals, objectives, and policies of the City's Comprehensive Plan as well as all other applicable plans approved by the City.
2. **Permitted uses that are not part of an approved planned unit development (PUD).**
 - a. Uses in existence prior to the adoption of this ordinance. Any residential or commercial use (as determined by the Zoning Administrator or Designated Authorized Agent) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming permitted or conditional use at that time) shall be a permitted use.
 - 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~~
- c. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
- d. Utility and communication uses.
 - (1) Essential services
- e. Open space uses.
 - (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) Minor or accessory uses that do not have a major impact on the district, including fences, signs, minor renovations, and other similar uses incidental and customary to permitted and conditional uses.
- 3. **Conditional uses.** The following are conditional uses in the W-MRC Waterfront Mixed Residential/Commercial District and are 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.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or Rooming House
 - (3) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (4) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (5) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living](#)
 - (6) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial.

(1) Animal board is Section 4.26: W-MRC Waterfront Mixed Residential/Commercial District

- (2) Animal grooming or training facility
- (3) Artist studio
- (4) Assembly hall
- (5) Bank or other financial institution
- (6) Business service
- (7) Car wash
- (8) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (9) Dry cleaning and laundry drop off and pick up, excluding processing
- (10) Food center
- (11) Funeral home
- (12) Garden supply or landscaping center
- (13) Household maintenance and repair
- (14) Individual/family social services
- (15) Laundromat
- (16) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (17) Lodging establishment: short and extended stay
- (18) Manufactured home dealer
- (19) Office as a principal use
- (20) Personal care/drop-in center
- (21) Personal service
- (22) Recreation facility: commercial indoor/outdoor
- (23) Restaurant: sit-down, fast food or carry-out
- (24) Retail establishment: convenience or general
- (25) Tavern
- c. Public, civic, and institutional.
 - (1) Boat landing
 - (2) Clinic
 - (3) Club or association
 - (4) Museum
 - (5) Nursing home
 - (6) Religious Institution
 - (7) School: primary, secondary, specialty, or personal instruction
- d. Utility and communication uses.

- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
- (2) Communication service
- (3) Outdoor wood-fired furnace associated with a single-family detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750 B., 17.: Outdoor Wood-fired Furnace](#)
- (4) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
- (5) Wind energy facility
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, landfilling, and/or excavation](#)
 - (2) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Drive-through window associated with a permitted or conditional use
 - ~~(2)(2)~~ Parking lot as a principal use
 - ~~(4)(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.
- 4. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-MRC Waterfront Mixed Residential Commercial District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fences, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home

- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
 - (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).
5. **Prohibited uses.** Industrial uses (as determined by the Zoning Administrator or the Common Council) shall be prohibited uses in the W-MRC Waterfront Mixed Residential/Commercial District. Any existing industrial use that was a conforming use prior to the date of this ordinance shall be considered a nonconforming use and shall comply with the nonconforming provisions of this Ordinance.

C. Dimensional Requirements

1. **Basic dimensional requirements for uses associated with a planned unit development (PUD).** Basic dimensional requirements (including parcel area and width, principal building setback, allowable height, maximum building coverage, maximum impervious coverage, and other pertinent dimensional requirements) for uses associated with a planned unit development (PUD) shall be determined through the planned unit development (PUD) ordinance and shall be consistent with the Waterfront Overlay District requirements and the Gateway Overlay District requirements of this Ordinance, where applicable.
2. **Basic dimensional requirements for uses that are not part of an approved planned unit development.** Basic dimensional requirements (including parcel area and width, principal building setback, allowable height, maximum building coverage, maximum impervious coverage, and other pertinent dimensional requirements) for uses that are not part of an approved planned unit development (PUD) shall be identical to the dimensional requirements of the zoning district in this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a single-family detached dwelling

shall meet the dimensional requirements for a single-family detached dwelling in the W-SFR Waterfront-Single Family Residential District. All uses shall be consistent with the Waterfront Overlay District and the Gateway Overlay District requirements of this Ordinance, where applicable.

3. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-MRC District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. Design standards. All uses shall meet the applicable design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. Waterfront overlay district requirements. All uses shall be consistent with the provisions of the Waterfront Overlay District as specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. Gateway Overlay District requirements. All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.27 W-CRM Waterfront Conference/Residential Mix District

A. Intent

The W-CRM Waterfront Conference/Residential Mix District is intended to provide a unique area in the city where a mixture of conference, lodging, and compatible residential and commercial uses are coordinated in a planned setting to produce a vibrant and relatively self-contained area that caters to conferences, special events, and tourist activities. More specifically, the intent of the district is as follows:

1. Encourage the development and/or redevelopment of uses in the district that will have a synergistic relationship with the existing lodging establishment/conference facility in the district. Examples of such uses may include tourist-oriented retail, indoor and outdoor recreation facilities, additional lodging establishments, and restaurants. This district is not intended to accommodate large-scale regional commercial development;
2. Allow the continuation, enhancement, and expansion of existing detached single-family dwellings in the district, but also allow parcels with detached single-family dwellings to sensitively transition to higher density housing or commercial uses that relate to the mixed conference/residential intent of this district;
3. Encourage development in the district to occur through the planned unit development (PUD) process at the neighborhood or district scale to help ensure coordination between uses. Where feasible, encourage shared parking and pedestrian and vehicular access between uses;
4. Where feasible, encourage development of uses that relate to the waterfront and that provide strong visual and pedestrian connections to the waterfront.

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](#)
- b. Commercial uses.
 - (1) Assembly hall
 - (2) Business service
 - (3) Conference center
 - (4) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (5) Lodging establishment: short stay or extended stay
 - (6) Personal service
 - (7) Retail: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet
 - (8) Restaurant: carry-out, fast food, or sit-down
- c. Public, civic, and institutional uses.
 - (1) Festival grounds
 - (2) Government or community service use
 - (3) Public park
- d. Utility and communication uses.
 - (1) Essential services
- e. Open space uses.
 - (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning

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Administrator or Designated Authorized Agent has determined that the use is consistent with intent of the permitted uses in this district.

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: accessory, provided that it is associated with a single family detached dwelling, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)~~
- ~~(6)~~(5) Dwelling combined with a conditional use
- ~~(7)~~(6) Dwelling: multi-family, more than eight (8) units per building
- ~~(8)~~(7) Emergency residential facility
- ~~(9)~~(8) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- ~~(10)~~(9) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- ~~(11)~~(10) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)

b. Commercial uses.

- (1) Artist studio
- (2) Bank or financial institution
- (3) Car wash associated with a filling station
- (4) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (5) Dry cleaning and laundry drop off and pick up, but excluding processing
- (6) Filling station with or without a convenience store
- (7) Laundromat
- (8) Office as a principal use
- (9) Recreation facility: commercial indoor or outdoor
- (10) Restaurant: drive-in
- (11) Retail: convenience or general, exceeding two thousand five hundred (2,500) gross square feet
- (12) Tavern

- (13) Theater
- c. Public, civic, and institutional uses.
 - (1) Boat landing
 - (2) Campground, pursuant to City of Ashland [Ordinance 871](#)
 - (3) Club or association
 - (4) Museum
 - (5) School: specialty or personal instruction
- d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace associated with a single-family-detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
- f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
- 3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-CRM Waterfront Conference/Residential Mix District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).

- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent requirements shall be identical to the dimensional requirements of the zoning district that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a commercial use shall relate to the dimensional requirements for a commercial use in the W-C Waterfront Commercial District.
2. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-CRM District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).

D. Special Requirements

1. **Gateway Overlay District requirements.** Parcels that have frontage on a US Highway 2 shall meet the Gateway Overlay requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).
2. **Waterfront overlay district requirements.** Development in the W-CRM District shall be consistent with the requirements of the waterfront overlay district specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Design standards.** All uses shall meet the pertinent design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).

Section 4.28 W-C Waterfront Commercial District

A. Intent

The W-C Waterfront Commercial District encompasses an area between US Highway 2 and Lake Superior. Existing uses in the district consist primarily of regional (highway) commercial uses, but may also include existing residential and existing industrial uses. The intent of the district is to allow the existing commercial uses and structures to continue while encouraging all uses and structures to transition to commercial uses that have a strong relationship to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage the development and redevelopment of commercial properties in a manner that enhances their relationship with the waterfront. Encourage uses to provide public views and access to the waterfront, where feasible;
2. Encourage uses that cater to people using the waterfront and to the traveling public. This district is not intended to accommodate large-scale regional commercial development;
3. Encourage existing residential and industrial uses to relocate to other appropriate districts in Ashland;
4. Encourage development and redevelopment in the district to occur through the planned unit development (PUD) process that includes at least several parcels. Encourage connections between commercial uses that allow for shared parking and shared access from US Highway 2;
5. If the City of Ashland has adopted a plan for the W-C Waterfront Commercial District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan;
6. Where commercial development or redevelopment on a parcel in this district cannot occur in a manner that is reasonably consistent with the provisions of this Ordinance (due to the dimensional characteristics of the parcel or other reasons), it is the intent of this district to encourage said parcel to transition to a waterfront oriented public, civic, or institutional use (such as a public park) that will be consistent with the Comprehensive Plan and the provisions of this Ordinance.

B. Uses

1. **Permitted uses.** Due to the dimensional constraints of the existing parcels in the district and the intent of the district to enhance the relationship of structures and uses to the waterfront, outright permitted uses in the W-C Waterfront Commercial District shall be limited to the following.
 - a. Public, civic, and institutional uses.

- (1) Festival grounds
 - (2) Government or community service use
 - (3) Public park
 - b. Utility, communication, and public service uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: private or public
 - d. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent of the City has determined that the use is consistent with the intent of permitted uses in this district.
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.
- a. Residential uses.
 - (1) Adult family home pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) 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
 - (3) Dwelling combined with a permitted or conditional commercial use
 - (4) Emergency residential facility
 - (5) Home occupation associated with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (6) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - b. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution

- (5) Business service
 - (6) Car wash
 - (7) Conference center
 - (8) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (9) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (10) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (11) Filling station
 - (12) Funeral home
 - (13) Garden supply or landscaping center
 - (14) Household maintenance and repair establishment
 - (15) Laundromat
 - (16) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (17) Lodging establishment: short stay or extended stay
 - (18) Office
 - (19) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (20) Personal service
 - (21) Recreation facility: commercial indoor or outdoor
 - (22) Rent-to-own, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (23) Restaurant: carry-out, fast food, or sit-down
 - (24) Retail establishment: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet per building
 - (25) Tavern
 - (26) Theater
 - (27) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Club or association
 - (3) Museum

- (4) School: specialty or personal instruction
 - (5) Religious institution
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - ~~(1) Accessory building, pursuant to Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Drive-through window associated with a permitted or conditional use
 - ~~(3)(2)~~ Parking lot as a principal use
 - ~~(4)(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-C Waterfront Commercial District, pursuant to all applicable specific use standards.
- (1) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (4) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (5) Fence, pursuant to [Section 6.5: Fences](#)
 - (6) Foster care: family home
 - (7) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (8) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (9) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (10) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)

- (11) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (14) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (15) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (16) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (17) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (18) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the W-C District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way. Thirty (30) feet.
 - b. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - c. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - d. Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
 - e. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building may exceed thirty-five (35) feet subject to the issuance of a conditional use permit.
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).

5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on U.S. Highway 2 shall meet the Gateway Overlay District requirements specified in GTWY-O Gateway Overlay District.
4. **Additional requirements.** Additional requirements (including, but not limited to setbacks from a bluff) may apply to parcels and uses in this district. Refer to the pertinent provisions of this Ordinance for specific requirements.

Section 4.29 W-CC Waterfront City Center District

A. Intent

The W-CC Waterfront City Center District includes a mixture of existing residential, commercial, and industrial uses that are located near the heart of the city, between US Highway 2 and Lake Superior. The intent of the district is to allow the continuation of single-family residential uses in the district while also allowing the district to sensitively transition to commercial and public/institutional uses that have a strong relationship to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage existing industrial uses in the district to relocate to other appropriate districts in the city;
2. Allow the continuation, enhancement, and expansion of existing residential uses in the district, but also allow the sensitive conversion of parcels with existing single-family dwellings to transition to appropriate “city center” uses that have a strong relationship to the waterfront;
3. Ensure that development and redevelopment in the district occurs in a manner that reasonably protects the integrity of the surrounding existing single-family dwellings in the district; and
4. Encourage the transition to waterfront city center uses to occur through the planned unit development (PUD) process at a neighborhood scale or block scale. If the City of Ashland has adopted a plan for the W-CC Waterfront City Center District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

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~~
- b. Commercial uses.
- (1) Artist studio
 - (2) Assembly hall
 - (3) Conference center
 - (4) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (5) Lodging establishment: short stay or extended stay
 - (6) Personal service
 - (7) Retail: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet
 - (8) Restaurant: carry-out, fast food, or sit-down
- c. Public, civic, and institutional uses.
- (1) Festival grounds
 - (2) Government or community service use
 - (3) Museum
 - (4) Public park
- d. Utility, communication, and public service uses.
- (1) Essential services
- e. Open space uses.
- (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
- (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
- (1) 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 the permitted uses in this district.

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: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory~~
 - ~~(6)(5)~~ Dwelling combined with a conditional use
 - ~~(7)(6)~~ Dwelling: single-family attached, two (2) to six (6) units per building
 - ~~(8)(7)~~ Dwelling: multi-family, three (3) or more units per building
 - ~~(9)(8)~~ Dwelling: two-family or duplex
 - ~~(10)(9)~~ Emergency residential facility
 - ~~(11)(10)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - ~~(12)(11)~~ Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - ~~(13)(12)~~ Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
- b. Commercial uses.
- (1) Bank or financial institution
 - (2) Business service
 - (3) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (4) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (5) Laundromat
 - (6) Office
 - (7) Recreation facility: commercial indoor or outdoor
 - (8) Retail establishment: convenience or general, exceeding two thousand five hundred (2,500) gross square feet
 - (9) Tavern
 - (10) Theater
- c. Public, civic, and institutional uses.

- (1) Clinic
- (2) Club or association
- (3) Nursing home
- (4) School: primary, secondary, specialty, or personal instruction
- (5) Religious institution
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a government or community service use, a religious institution, or a primary or secondary school, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavating (excluding mining) involving fifty (50) or more cubic yards of material, and as a separate activity not associated with a building permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-CC Waterfront City Center District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home

- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel area in the W-CC District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Three thousand five hundred (3,500) square feet.
 - b. Minimum parcel area for properties located in the GTWY-O Gateway Overlay District. Twenty thousand (20,000) square feet, except that a smaller parcel area may be allowed with the approval of a conditional use permit.
 - c. Minimum parcel width. Twenty-five (25) feet.
 - d. Minimum parcel width for properties located in the GTWY-O Gateway Overlay District. One-hundred forty (140) feet, except that a smaller parcel width may be allowed with approval of a conditional use permit.
2. **Setback requirements of a principal building from all parcel lines.** Uses shall meet the setback requirements specified in the zoning district of this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent. For example, the requirements for a single family use shall relate to the setback requirements for the R-1 Single Family District. All parcels in the GTWY-O Gateway Overlay District shall be required to follow the setbacks established in the RC Regional Commercial District. Setbacks may be reduced with the approval of a conditional use permit.
3. **Maximum parcel coverage.** Uses shall meet the requirements for maximum parcel coverage specified in the zoning district of this ordinance that best resembles the use of said parcel, except that all non-residential development shall meet the following:

- a. Maximum building coverage of the parcel. Fifty percent (50%).
- b. Maximum impervious coverage. Seventy percent (70%), except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
- 4. **Maximum height of principal building.** Forty-five (45) feet, as measured pursuant to [Section 6.1, C.: Building Height](#) except that the City may allow a principal building to exceed a height of forty-five (45) feet subject to the approval of a conditional use permit.
- 5. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings in the district shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 6. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-CC Waterfront City Center District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).

D. Special Requirements

- 1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
- 2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
- 3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.30 W-I Waterfront Industrial District

A. Intent

The intent of the W-I Waterfront Industrial District is to recognize areas of existing industrial uses adjacent to Lake Superior that the City has determined are essential or otherwise acceptable industrial uses in the area. These existing industrial uses may continue subject to the provisions of this section. Should an existing industrial use in the district cease, it is the intent of this district to encourage the use to transition to a “waterfront oriented” public, civic, and institutional use pursuant to this section. Additions to the W-I Waterfront Industrial District are not anticipated. New industrial uses shall be directed to a LI Light Industrial District or HI Heavy Industrial District outside of the waterfront area.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the W-I Waterfront Industrial District pursuant to all applicable specific use standards and the special requirements of this district.
 - a. Public, civic, and institutional uses.
 - (1) Public park
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: private or public

- d. Temporary, seasonal use, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - e. Other uses.
 - (1) 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 permitted uses in the district.
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.
- a. Industrial uses.
 - (1) Light manufacturing use provided that the use was in existence prior to the date of adoption of this ordinance and provided that the use did not cease to exist for a period of twelve (12) or more consecutive months since the date of adoption of this ordinance.
 - (2) Power generation plant provided that the use was in existence prior to the date of adoption of this ordinance and provided that the use did not cease to exist for a period of twelve (12) or more consecutive months since the date of adoption of this ordinance.
 - b. Public, civic, and institutional uses.
 - (1) Campground, pursuant to City of Ashland [Ordinance 871](#)
 - (2) College
 - (3) Festival grounds
 - (4) Government and community services
 - (5) Marina
 - (6) Nursing home
 - (7) School: primary, secondary, or specialty
 - (8) Religious institution
 - (9) Water oriented research facility
 - c. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - d. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
- e. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Parking lot as a principal use
 - ~~(2)(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-I Waterfront Industrial District, pursuant to all applicable specific use standards and the special requirements of this district.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (9) Signs, pursuant to [Section 6.6: Signs](#)
 - (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (11) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (12) Swimming pool for private recreation use, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (13) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent of the City.

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - d. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - e. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).
4. **Maximum building height.**
 - a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#), except that height of a principal building can be increased with the approval of a conditional use permit.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).

3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on U.S. Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.31 W-PI Waterfront Public/Institutional District

A. Intent

The intent of the W-PI Waterfront Public/Institutional District is to facilitate the development of public and institutional uses that have a strong relationship with the waterfront.

B. Uses

1. **Permitted uses.** The following uses are permitted in the W-PI Waterfront Public District.
 - a. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Festival grounds
 - (3) Government or community service use
 - (4) Marina
 - (5) Museum
 - (6) Public park with or without a campground, pursuant to City of Ashland [Ordinance 871](#)
 - (7) Water oriented research facilities
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open spaces.
 - (1) Open spaces: public or private
 - d. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - e. Other uses.
 - (1) 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 the permitted uses in this district.
2. **Conditional uses.** The following uses are conditional uses in the W-PI Waterfront Public 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.
 - a. Commercial uses.

- (1) Terminal: passenger ship, including, but not limited to a cruise or sightseeing boat
 - (2) Water-oriented commercial use that is incidental or accessory to a public, civic, or institutional uses. An individual water-oriented commercial use shall not exceed a gross area of two thousand five hundred (2,500) square feet.
 - b. Industrial uses.
 - (1) Terminal: ship, in accordance with applicable state or federal agreements for use of said ship terminal and provided that the use was in existence and a conforming use prior to adoption of this ordinance
 - c. Public, civic, and institutional uses.
 - (1) Boat landing
 - (2) College
 - (3) School: primary, secondary or specialty
 - (4) Zoo
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Temporary construction building
 - f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Parking lot as a principal use
 - ~~(3)(2)~~ 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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-PI District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)

- (4) Fence, pursuant to [Section 6.5: Fences](#)
- (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (9) Signs, pursuant to [Section 6.6: Signs](#)
- (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (11) Sport court for recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (12) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (13) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the W-PI District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) square feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - d. Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - e. Minimum principal building setback from rear parcel line. Twenty-five (25) feet.

3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Sections 4.32 – 4.34 (Reserved for potential additional waterfront districts.)

Other Districts

Sections 4.35. – 4.44. describe the zoning districts in the City of Ashland that accommodate public and institutional uses, public open spaces and parks, commercial and industrial airport uses, and minimal land uses that allow for future development.

Section 4.35 PI Public/Institutional District

A. Intent

The intent of the PI Public/Institutional District is to accommodate a variety public, semi-public, and institutional uses in Ashland. Although public and institutional uses are allowed as permitted or conditional uses in many other districts in the city, the PI Public/Institutional District is intended for the exclusive use of significant public or institutional uses (including, but not limited to colleges, schools, hospitals, and cemeteries). Public parks are intended to be included in the PP Public Parks District. Public/institutional uses adjacent to Lake Superior are intended to be included in the W-P/I Waterfront Public/Institutional District.

B. Uses

1. **Permitted uses.** The following uses are permitted uses in the PI Public/Institutional District.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that not more than fifteen (15) persons are served
 - (2) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)

- (3) Dormitory
- (4) Emergency residential facility
- (5) Fraternity or sorority
- (6) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- b. Commercial uses.
 - (1) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- c. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Cemetery
 - (3) Clinic and/or medical office
 - (4) College
 - (5) Festival grounds
 - (6) Government or community service use
 - (7) Hospital
 - (8) Museum
 - (9) Nursing home
 - (10) Public park
 - (11) Religious institution
 - (12) School: primary or secondary
 - (13) Water oriented research facility
- d. Utility and communication uses.
 - (1) Essential services
- e. Open space uses.
 - (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Land filling: temporary
- g. Other uses.
 - (1) 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 permitted uses in the district.

2. **Conditional uses.** The following conditional uses are allowed in the PI Public/Institutional 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) Community-based Residential Facility
 - b. Commercial uses
 - (2) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - c. Industrial uses.
 - (1) Research and development facility
 - (2) Composting facility: indoor, pursuant to [Section 5.3 C., Community Composting Facilities](#)
 - d. Public, civic, and institutional uses.
 - (1) School: specialty or special instruction
 - (2) Zoo
 - e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - f. Agriculture and forestry uses.
 - (1) Agriculture
 - (2) Agricultural services
 - (3) Agriculture research facility
 - (4) Forestry
 - g. Temporary, seasonal, or land filling/excavation uses.
 - h. Other uses.
 - ~~(1) Accessory buildings, if the accessory buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)~~
 - ~~(2)(1)~~ Parking lot as a principal use
 - ~~(2)(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 the conditional uses in the district.
3. **Accessory uses.** The following uses are permitted as accessory to permitted or conditional uses in the PI Public/Institutional District, pursuant to all specific use standards.

- (1) Animal: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (2) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, pursuant to [Section 5.6 D.: Day Care: Family Home](#)
- (6) Fences, pursuant to [Section 6.5: Fences](#)
- (7) Greenhouse: local
- (8) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (9) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (10) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (11) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (14) Sport court or play equipment, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (15) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (16) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (17) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the PI Public/Institutional District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre.
 - b. Minimum parcel width. Two hundred (200) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirement for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).

- a. Minimum principal building setback from front parcel line. Forty (40) feet.
- b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
- c. Minimum principal building setback from interior side parcel line. Thirty (30) feet.
- d. Minimum principal building setback from rear parcel line. Forty (40) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building height between thirty-five (35) feet and sixty (60) feet may be permitted with the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#)
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

Section 4.36 PP Public Parks District

A. Intent

The intent of the PP Public Parks District is to accommodate a variety of public parks and public open spaces in Ashland. Although public parks and public open spaces are permitted uses in many other districts in the city, the PP Public Parks District is intended for the exclusive use of public parks, significant public open spaces, and park related accessory uses. The W-P/I Waterfront Public/Institutional District may also accommodate public parks and public open space.

B. Uses

1. **Permitted uses.** The following uses are permitted in the PP Public Parks District.
 - a. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public festival grounds
 - (3) Public parks and recreation uses and related buildings and uses
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: public
 - d. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).

- e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent of the City has determined that the use is consistent with the intent for permitted uses in this district.
- 2. **Conditional uses.** The following uses are conditional uses in the PP Public Parks 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) Dwelling that serves as a caretaker's residence for a public park
 - b. Commercial uses.
 - (1) Commercial use incidental to a public park use; for example, a seasonal food stand
 - (2) Specialty school incidental to a public park use
 - c. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Boat landing
 - (3) Campground and/or recreational vehicle park, pursuant to City of Ashland [Ordinance 871](#)
 - (4) Museum
 - (5) Water oriented research facility
 - (6) Zoo
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use

~~(3)~~(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.

3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the PP Public Parks District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (9) Signs, pursuant to [Section 6.6: Signs](#)
 - (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (11) Sport court or play equipment for public recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (12) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (13) Temporary construction building, pursuant to [Section 5.5 B.: Temporary Construction Building](#)
 - (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** There shall be no parcel requirements in the PP Public Parks District.
2. **Setback requirements for principal building.** Setbacks requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Eight (8) feet.

- d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** Thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#).
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** There shall be no maximum building coverage in the PP Public Parks District.
- 6. **Maximum impervious coverage.** There shall be no maximum impervious coverage in the PP Public Parks District.

Section 4.37 FD Future Development District

A. Intent

The intent of the FD Future Development District is to allow the use of land (not served with municipal utilities) in a manner that will not preclude future development at urban densities, pending the extension of municipal utilities or market conditions that justify development at urban densities. Land in this district shall be rezoned consistent with the Comprehensive Plan, pending the proper timing for the economical provision of municipal sewer and water, streets, parks, storm drainage, and other public utilities and services, so that orderly development can occur. Where feasible, conservation subdivisions (pursuant to Section 4.56: Conservation Subdivision Overlay District) are encouraged for residential uses in this district.

B. Uses

- 1. **Permitted uses.** The following are permitted uses in the FD Future Development 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: 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
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Agriculture, forestry, and open space uses.
 - (1) Agriculture
 - (2) Forestry

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- (3) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - (3) Seasonal market
 - f. Other uses.
 - (1) Personal storage building as a principal use pursuant to [Section 5.6, G.: Personal Storage Building as a Principal Use.](#) Personal storage buildings as a principal use shall not be permitted in association with a conservation subdivision in the FD Future Development District.
 - (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 permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the FD Future Development 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) Convent, rectory, or monastery
 - (5) Emergency residential shelter
 - ~~(6) Dwelling: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory~~
 - ~~(7)(6)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - ~~(8)(7)~~ Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - ~~(9)(8)~~ Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Animal boarding facility
 - (2) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (3) Recreation facility: commercial indoor or outdoor
 - (4) Veterinary clinic: small and large animal
 - (5) Warehouse: self-storage

- c. Industrial uses.
 - (1) Composting facility: indoor
 - (2) Salvage operation: indoor/outdoor
- d. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Campground and/or recreational vehicle park, pursuant to City of Ashland [Ordinance 871](#)
 - (3) Cemetery
 - (4) Community composting facility or construction debris facility, provided that the facility is contiguous to, or directly across a public right-of-way from, the Ashland land fill.
 - (5) Festival grounds
 - (6) Government or community service use
 - (7) Religious institution
 - (8) School: primary or secondary
- e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- f. Agriculture, forestry, and open spaces.
 - (1) Agricultural research facility
 - (2) Agricultural services
- g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (2) Mining, consistent with [Chapter NR 135 of the Wisconsin Administrative Code](#) and all other applicable regulations
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- h. Other uses.
 - ~~(1) — Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.

3. **Accessory uses.** The following are allowed accessory uses to permitted and conditional uses in the FD Future Development District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, or donkeys, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#)
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fences, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Greenhouse: local
 - (11) Landscaping and/or gardening
 - (12) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (14) Outdoor mechanical and electrical equipment, including solar equipment (but not including outdoor wood furnaces), pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (17) Signs
 - (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (19) Sport court, play equipment, and similar private recreation uses, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. Parcel requirements.**a. Minimum parcel area.**

- (1) A parcel that has a use that is not associated with an approved conservation subdivision shall have a minimum parcel area of five (5) acres, except as may be modified pursuant to Subparagraph c. of this Section or [Section 10.3: Nonconforming Parcels](#).
- (2) A parcel that is associated with an approved conservation subdivision shall have a minimum parcel area pursuant to [Section 4.56: Conservation Subdivision](#).

b. Minimum parcel width.

- (1) A parcel that is not associated with an approved conservation subdivision shall have a minimum parcel width of two hundred (200) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- (2) A parcel that is associated with an approved conservation subdivision shall have a minimum parcel width pursuant to [Section 4.56: Conservation Subdivision](#).

c. Exceptions to parcel requirements.

- (1) Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- (2) The minimum parcel area for a conventional subdivision in the FD District may be calculated based on the gross developable area of the parcel including road right-of-ways. Consequently, a forty (40) acre parcel could be subdivided into eight (8) parcels, even if part of the forty (40) acre parcel were conveyed for a public road, but provided that no parcel has less than four (4) net developable acres.

2. Setback requirements for principal building.

- a. Minimum principal building setback from front parcel line. Forty (40) feet.
- b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
- c. Minimum principal building setback from interior side parcel line. Twenty-five (25) feet.
- d. Minimum principal building setback from rear parcel line. Thirty (30) feet.

3. Maximum height of principal building. Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).**D. Design Standards for Agricultural Buildings and Other Accessory Buildings**

1. **Applicability.** All agricultural buildings and other accessory buildings over twelve hundred (1,200) square feet shall comply with the design standards and guidelines of this Subsection. All other accessory buildings shall comply with [Section 5.6, A: Accessory Building](#).
2. **Architectural features and colors.** All buildings shall be complimentary to the principal structures and surrounding area in terms of architectural features and colors.

3. **Maximum height.** The maximum building height shall not exceed thirty-five (35) feet.
4. **Setbacks.** Setbacks from side and rear parcel lines shall be a minimum of thirty (30) feet.
5. **Design review.** Buildings located within the Gateway Overlay District or readily visible from U.S. Highway 2, State Highway 13, or State Highway 112 shall be subject to design review by the Zoning Administrator or Designated Authorized Agent. Such buildings shall have a decorative exterior with special features that may include decorative windows or rooflines, cupolas, or columns. Long, uninterrupted roof or wall planes greater than seventy-five (75) feet shall be prohibited. Not less than fifteen (15) percent of the building façade visible from the highway shall be decorative material such as, brick, stone, stucco, or decorative masonry units.

Section 4.38 AIR Airport District

A. Intent

The intent of the AIR Airport District is to accommodate the John F. Kennedy Memorial Airport. The district is also intended to accommodate commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair and service shop, and retail uses that serve air travelers and others at the airport.

B. Uses

1. **Permitted uses.** The following are permitted uses in the AIR Airport District, pursuant to all applicable specific use standards and any requirements in an adopted AIR-O Airport Overlay District.
 - a. Public, civic, and institutional uses.
 - (1) Airport terminal
 - (2) Airport hangar
 - (3) Other airport uses customarily provided in conjunction with an airport use
 - (4) Buildings and uses associated with public works or public services
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Agriculture and open space uses.
 - (1) Agriculture, excluding structures, provided that the agriculture use does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
 - (2) Open space, provided that the open space does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
 - d. Temporary, seasonal, or land filling/excavating uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Land filling: temporary

2. **Conditional uses.** The following conditional uses are allowed in the AIR Airport 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 as well as any requirements in an adopted AIR-O Airport Overlay District.
- a. Commercial uses and industrial uses.
 - (1) Commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair/service shop, a car rental facility, or a retail store that serves as travelers and others at the airport.
 - b. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - c. Temporary, seasonal, or land filling/excavation uses.
 - d. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the AIR Airport District, pursuant to all applicable specific use standards and any requirements in an adopted AIR-O Airport Overlay District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#)
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Navigational aids and weather observation equipment incidental to airport use
 - (7) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (8) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (9) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)

- (10) Signs, pursuant to [Section 6.6: Signs](#)
- (11) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (12) Sport court or play equipment, and similar private recreation uses, pursuant to [Section 5.6 K.: Sport Court, Play Equipment, and Similar Uses](#)
- (13) Swimming pool, pursuant to [Section 5.6 L.: Swimming Pool](#)
- (14) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (15) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Setback requirements.** All new principal and accessory buildings or structures shall require a minimum twenty (20) foot setback from all parcel lines.
2. **Height Limitations.** No structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the Height Limitations Zoning Map in City of Ashland [Ordinance 453](#).

Sections 4.39 – 4.44 (Reserved for potential additional other zoning districts.)

Overlay Zoning Districts

The following sections describe the overlay zoning districts in the city. An overlay zoning district specifies special requirements that address specific issues that are not addressed in the underlying (or base) zoning districts. An overlay zoning district may cover multiple underlying (or base) zoning districts (for example, the F-O Floodplain Overlay District may overlay the R-1, R-2, and R-4 Districts).

Section 4.45 Reserved

Section 4.46 W-O Waterfront Overlay District

A. Intent

1. The area encompassed by the W-O Waterfront Overlay District is a valuable asset to the City of Ashland. The intent of the district is to impose land use controls (in addition to those in the applicable underlying zoning districts) to accomplish the following:
 - a. Use property in the district in a manner that promotes economic development, affords a high quality of life, and protects and enhances the natural environment;
 - b. Protect and enhance public investment in the waterfront area while stimulating private development where appropriate;
 - c. Encourage high quality development that is attractive and that promotes a unique sense of place tied to the waterfront; and
 - d. Enhance and encourage public access and enjoyment of the waterfront;

2. If the City of Ashland has adopted a plan for any area in the W-O Waterfront Overlay District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan. Such plans include, but are not limited to, the Waterfront Development Plan and various plans included in the Ashland Comprehensive Plan.

B. District Boundaries

The W-O Waterfront Overlay District overlays and is bound by the following underlying districts: W-SFR Waterfront Single-Family Residential, W-MRC Waterfront Mixed Residential/Commercial, W-CRM Waterfront Conference/Residential Mix, W-C Waterfront Commercial, W-CC Waterfront City Center, W-I Waterfront Industrial, and W-PI Waterfront Public/Institutional.

C. Administration

1. **General application.** The design guidelines specified in this Section shall apply to all properties in Waterfront Overlay District.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Compliance with design guidelines.** Given the pattern of existing development in this District and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the District to be consistent with all of the design guidelines specified in this Section. Consequently, prior to action on a building permit, site plan approval, or other applicable approvals associated with a proposed development application, the appropriate review and approval authority (pursuant to Part 2 of this Ordinance) shall make a determination that the proposed development is consistent with the intent of the design guidelines of this Section when considered as a whole. However, the development proposal need not be in complete conformance with every design guideline specified herein in order to receive approval.
4. **Supremacy of regulations.** In some cases, parcels may be in more than one overlay district. If any conflict between the regulations applicable in another overlay district (or the underlying zoning district) and the design guidelines of the Waterfront Overlay District occurs, the more restrictive provisions shall take precedence.

D. Design Standards and Guidelines

1. **Intent.** The following design standards and guidelines are intended to further the intent of Waterfront Overlay District by providing review guidance relating to specific design elements that affect the appearance and function of uses in the Waterfront Overlay District. The standards and guidelines are not intended to discourage development, but to encourage development that is functional, attractive, and meets the intent of this District. The word “shall” as used in this Ordinance refers to a standard that is a mandatory requirement. The word “should” refers to a guideline that is encouraged and discretionary, but not mandatory.
2. **Principal building setback from the ordinary high water mark.** All principal buildings with frontage on Lake Superior shall be set back a minimum of seventy-five (75) feet from the ordinary high water mark of Lake Superior and thirty (30) feet from the top of bluffs, unless issued a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). Requirements set forth in [Part 8: Environmental Protection](#) may also apply. Where principal buildings exist on the adjoining parcels on both sides of a proposed building site,

the subject principal building setback may be altered to conform to the prevailing setback, but in no case shall a principal building be set closer than fifty (50) feet to the ordinary high water mark.

3. **Accessory building setback from the ordinary high water mark.** Accessory buildings shall not be placed between the principal building and the ordinary high water mark, on properties with frontage on Lake Superior. However, a water oriented accessory building (such as a boathouse or gazebo) may be placed within ten (10) feet of the ordinary high water mark, provided that the accessory building does not exceed four hundred (400) gross square feet and one (1) story in height.
4. **Impervious surface setbacks.** Impervious surfaces shall have a minimum setback of fifty (50) feet from the ordinary high water mark of Lake Superior and a minimum setback of thirty (30) feet from the top of bluffs. Trails, walks, and similar uses shall be exempt from this standard provided the use will not contribute to destructive erosion or allow unfiltered runoff into Lake Superior.
5. **Undisturbed vegetative buffer adjacent to Lake Superior.** Where feasible, a minimum undisturbed vegetative buffer of thirty five (35) feet shall be maintained from the ordinary high water mark of Lake Superior. Slopes over twenty (20) percent extending beyond the minimum vegetative buffer shall necessitate a wider buffer. Native waterfront vegetation should be established in the buffer area to stabilize the soils and to protect water quality. Selective removal of dying, diseased, invasive vegetation, and weeds is permitted; however, replacement with native waterfront vegetation is encouraged.
6. **Building design.** Building design shall be consistent with the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#). In addition, the following guidelines shall apply to the maximum extent practical:
 - a. Architectural style or theme. New buildings shall relate to City adopted or approved plans that specify an architectural style or theme for the waterfront. If an approved plan does not exist, but a particular neighborhood in the waterfront has a desirable existing architectural theme or style as determined by the applicable approval authority, then the new buildings in the neighborhood should be compatible with the existing theme.
 - b. Materials. Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, wood, and architectural concrete. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than six (6) inches wide. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of three (3) to six (6) inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are six (6) inches or less in width. Unfinished concrete or masonry units, corrugated metal, plywood, and sheet pressboard are not allowed.
 - c. Colors. Predominate exterior colors should be neutral or earth tone, but bright colors may provide a compatible accent.
 - d. Screening. Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view, including views from Lake Superior.
7. **Views.**

- a. Views of Lake Superior. New structures and plantings shall not be located in a manner that restricts views of Lake Superior from north-south avenues and from public trails.
 - b. Views of Lake Superior from Structure. Where views of Lake Superior are possible from within the structure, the structure design shall maximize views of Lake Superior for employees and customers, considering orientation and window coverage.
 - c. Views from Lake Superior. Views of the proposed development from Lake Superior shall be considered. Landscape screening shall be provided to screen objectionable views (such as refuse collection areas and storage areas) from the perspective of those viewing the development from Lake Superior.
8. **Parking, access, and circulation.** Parking, access, and circulation shall be as specified in [Section 6.3: Parking and Loading](#) of this Ordinance. In addition, the following guidelines shall apply:
 - a. Location of parking. Parking between the principal building and the public right-of-way or between the principal building and Lake Superior is discouraged unless no other practical alternatives exist or unless proper buffering and landscaping measures are used pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).
 - b. Connection to public trail or sidewalk. Pedestrian systems that provide public access to the waterfront should be provided where feasible. The quality of the pedestrian system should be enhanced by means of appropriate landscaping, lighting, graphics, and furnishings. Internal pedestrian systems should coordinate with adopted City plans for public trails, bikeways, walks, and other movement systems associated with the waterfront.
9. **Landscaping and grading.** Landscaping shall be consistent with the landscaping standards specified in [Section 6.4: Landscaping, Buffers, and Screening](#) and the grading standards specified in [Section 6.1, H.: Grading, Filling, and/or Excavation](#). In addition, the following standards and guidelines shall apply:
 - a. Landscaping and grading should provide continuity and harmony between development parcels;
 - b. The use of native landscaping materials is strongly encouraged;
 - c. The modification of existing grades should consider the scenic quality of the waterfront area and storm water management best management practices.
10. **Signs.** Signs shall be consistent with the standards specified in [Section 6.6: Signs](#). In addition, the following guidelines shall apply:
 - a. Signs should enhance the Waterfront Overlay District's visual appeal and its sense of place;
 - b. Signs should not block views of Lake Superior;
 - c. Other than small identification or directional signs, signs should not be placed so that they are visible from Lake Superior;
 - d. Wall signs should be designed to fit within the architectural space intended for signage;

- e. Signs seen in relation to other signs should be compatible in location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification. When viewed as a whole, signs in the district should be seen as having been coordinated. A cluttered, haphazard appearance should be avoided.
- 11. **Utilities.** All utilities (including, but not limited to, telephone, electrical, and cable) shall be installed underground, where feasible. Utility components required to be above ground (including, but not limited to, transformers and meters) shall be screened by landscaping or decorative wall and/or be located away from public view.

Section 4.47 GTWY-O Gateway Overlay District

A. Intent

This Section specifies general design standards and guidelines that are intended to help enhance and unify the appearance of development along the major roadways leading into and through Ashland. If the City of Ashland has adopted a plan for any area in the GTWY-O Gateway Overlay District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan. Such plans include, but are not limited to, the Ellis Avenue Redevelopment Plan and various plans included in the Ashland Comprehensive Plan.

B. District Boundaries

The Gateway Overlay Districts encompasses those parcels that have full or partial frontage on the following road segments.

1. U.S. Highway 2 (Lake Shore Drive) from the western to the eastern City limits.
2. Beaser Avenue from Binsfield Road to U.S. Highway 2 (Lake Shore Drive).
3. Ellis Avenue from Binsfield Road to U.S. Highway 2 (Lake Shore Drive).
4. Sanborn Avenue from Maple Lane to U.S. Highway 2 (Lake Shore Drive).

C. Administration

1. **General application.** The design standards and guidelines specified in this Section shall apply to all properties with full or partial frontage on the gateway roads specified in this Section.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Compliance with the design standards and guidelines.** Given the pattern of existing development in this District and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the District to be consistent with all of the design standards and guidelines specified in this Section. Consequently, prior to action on a building permit, site plan approval, or other applicable approvals associated with a proposed development application, the appropriate review and approval authority (pursuant to Part 2 of this Ordinance) shall make a determination that the proposed development is consistent with the intent of the design standards and the intent of the design guidelines of this Section when considered as a whole.
4. **Supremacy of regulations.** In some cases, parcels may be in more than one overlay district. In case of any conflict between the regulations applicable in another applicable

overlay district (or the underlying zoning district) and the design guidelines of the Gateway Overlay District, the more restrictive provisions shall take precedence.

D. Design Standards and Guidelines

1. **Intent and application.** The following design standards and guidelines are intended to further the intent of Gateway Overlay District by providing standards and guidelines relating to specific design elements that affect the appearance and function of uses in the Gateway Overlay District. The standards and guidelines are not intended to discourage development, but to encourage development that is functional and attractive. The word “shall” as used in this Ordinance refers to a standard that is a mandatory requirement. The word “should” refers to a guideline that is encouraged and discretionary, but not mandatory.
2. **Building setbacks.** Buildings in the Gateway Overlay District shall meet the setbacks of the underlying district and relate to prevailing setbacks in the area. However, in no case shall a new building (nor an addition to an existing building) be less than fifteen (15) feet from the public right-of-way, regardless of the prevailing setback, except that parcels with frontage on one of the following road segments may be allowed to build up to the right-of-way line consistent with the pattern of existing development and provided such is consistent with the requirements of other applicable jurisdictions:
 - a. Beaser Avenue from Main Street to Lake Shore Drive West (U.S. Highway 2); and
 - b. Ellis Avenue from 6th Street to Lake Shore Drive (U.S. Highway 2);
3. **Building design.** Building design shall be consistent with the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#). In addition, the following guidelines shall apply:
 - a. Materials. Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, and architectural concrete. Unfinished concrete masonry units and corrugated metal or plastic siding shall be prohibited.
 - b. Colors. Predominate exterior colors should generally be neutral or earth tone, but bright colors may provide a compatible accent.
 - c. Walls. Walls over eighty (80) feet in length should be avoided to the extent practical. Where unavoidable, the visual impact of long walls shall be minimized with landscaping, screening, or architectural treatments of the wall (glazing, material changes, relief, etc.) that break up the monotony of the wall pursuant to [Section 6.2: General Building and Site Design Standards and Guidelines](#).
 - d. Screening. Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view.
4. **Parking, access, and circulation.** Parking, access, and circulation shall be as specified in [Section 6.3: Parking and Loading](#) of this Ordinance. In addition, the following guidelines shall apply:
 - a. Location of parking. To the greatest extent possible, no parking shall be allowed in the front yard between the principal building and the public right-of-way. Parking should generally occur to the side or the rear of the principal building.
 - b. Parking area standards. Parking areas in this District shall be asphalt or concrete.

- c. Combining of parking lots. The combining of existing, small, underutilized parking lots to create shared parking areas that are more efficient and more accessible is encouraged.
 - d. Curb-cuts. The number and width of curb-cuts shall be minimized and where feasible shall occur on the side streets rather than the primary roadway. To promote pedestrian circulation, existing continuous curb cuts should be reduced to widths necessary for vehicular traffic.
 - e. Connection to public trail or sidewalk. Where a public trail or sidewalk exists in the public right-of-way, the adjacent development should provide a connection to the trail or sidewalk.
5. **Landscaping.** Landscaping shall be consistent with the landscaping standards specified in [Section 6.4: Landscaping, Buffers, and Screening](#). In addition, the following guidelines shall apply:
- a. Landscaped buffer. Where feasible, a minimum fifteen (15) foot wide landscaped buffer shall screen parking from the public right-of-way. Where a fifteen (15) foot landscaped buffer is not feasible, alternative screening features, such as a decorative fence, may be allowed to help provide an attractive delineation between the public right-of-way and the development.
 - b. Complement streetscape. Landscaping should complement street trees and other streetscape elements in the public right-of-way.
 - c. Vision triangle. Landscaping shall not interfere with the required vision triangle as specified in [Section 6.1, H.: Vision Triangle](#) of this Ordinance.
6. **Signs.** Signs shall be consistent with the standards specified in [Section 6.6: Signs](#). In addition, the following guidelines shall apply:
- a. Signs should enhance the Gateway Overlay District's visual appeal and its ability to attract the traveling public.
 - b. In general, wall signs should be designed to fit within the architectural space intended for signage.
 - c. Signs seen in relation to other signs should be compatible in location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification.
 - d. When viewed as a whole, signs in the district should be seen as having been coordinated. A cluttered, haphazard appearance should be avoided.
7. **Utilities.** All utilities (including, but not limited to, telephone, electrical, and cable) shall be installed underground, where feasible. Utility components required to be above ground (including, but not limited to, transformers and meters) shall be screened by landscaping or decorative wall and/or be located away from public view.

Section 4.48 Reserved

Section 4.49 BCC-O Bay City Creek Overlay District

A. Intent

The intent of the BCC-O Bay City Creek Overlay District is to ensure that new development within the Bay City Creek Corridor helps protect and enhance quality land and water resources in the corridor. More specifically, the intent of the District is as follows:

1. Prevent the loss of high quality visual character in the corridor;
2. Prevent destructive soil erosion and stream siltation;
3. Prevent significant damage to hillsides, bluffs, and valleys caused by improper development; and
4. Prevent the destruction of mature and/or valuable trees and other vegetation and wildlife habitat in the corridor.

B. District Boundaries

The District boundaries shall extend three hundred (300) feet outward from both sides of the ordinary high water mark of Bay City Creek within the city limits of the City of Ashland.

C. Administration

1. **General application.** The provisions of this Section shall apply to all new development in the Bay City Creek Overlay District, including new subdivisions, new construction, and clearing and grading of land.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Supremacy of regulations.** In case of any conflict between the regulations applicable in the underlying zoning district and the regulations of the Bay City Creek Overlay District, the regulations of the Bay City Creek Overlay District shall take precedence.

D. Design Standards

The following design standards shall apply to all new development in the District:

1. **Required undisturbed vegetative buffer.** A minimum undisturbed vegetative buffer of fifty (50) feet shall be maintained on each side of Bay City Creek as measured from the ordinary high water mark. Slopes of twenty (20) percent or more extending beyond the minimum vegetative buffer shall necessitate a wider buffer. Riparian vegetation shall be established, as necessary, and maintained along the stream banks to stabilize the banks and protect water quality. Selective removal of dying, diseased, or invasive vegetation and weeds is permitted; however, replacement with native riparian vegetation is encouraged.
2. **Impervious surface setbacks.** All impervious surfaces shall have a minimum setback of fifty (50) feet from the ordinary high water mark of Bay City Creek and a minimum setback of thirty (30) feet from the top of bluffs. Trails, walks, footbridges, and similar uses shall be exempt from this provision provided they are not constructed in a manner that will cause destructive erosion.
3. **Building setbacks.** All buildings shall have a minimum setback of seventy-five (75) feet from the ordinary high water mark of Bay City Creek and a minimum setback of thirty (30) feet from the top of bluffs.
4. **Grading.** The grading of land for development purposes shall consider the scenic quality of the Bay City Creek Corridor. Fill operations shall not encroach into the required undisturbed vegetative buffer. Required grading shall be varied in contour to present a

natural appearance. Continuity between the grades of adjacent parcels shall be maintained to greatest extent possible.

5. **Additional standards in the PRI Planned Residential Institutional District.** A planned unit development (PUD) in the PRI Planned Residential Institutional District may include additional design standards relating to the Bay City Creek Corridor.

Section 4.50 F-O Floodplain Overlay

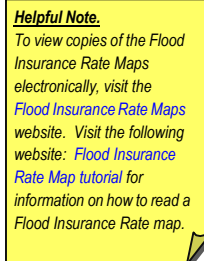
A. Intent

The City of Ashland finds that uncontrolled development and use of the floodplains and water bodies in the city would impair the public health, safety, convenience, general welfare, and tax base. Therefore, it is the intent of the F-O Floodplain Overlay to regulate development to accomplish the following:

1. Protect life, health, and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and homebuyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners;
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain;
10. Provide for aesthetically pleasing open space adjacent to Lake Superior and other water bodies in the City of Ashland; and
11. Provide for the protection of natural resources.

B. General Provisions

1. **Areas to be regulated.** This section regulates all areas within the limits of the City of Ashland that would be covered by the regional flood or base flood. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as “A-Zones” on the Flood Insurance Rate Map.
2. **Official floodplain maps.** The boundaries of all floodplain districts are designated as floodplains or “A-Zones” on the Flood Insurance Rate Map (FIRM), community number 550005, panel number 0001, dated September 30, 1977 and panel number 0002, dated September 30, 1977, and the revisions in the City of Ashland Floodplain Appendix, if applicable.
3. **Amendments to the official floodplain maps.** Any changes to the base flood information in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) shall



follow the amendment procedures described in [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

4. **Establishment of districts.** The Floodplain Overlay is divided into three (3) districts as follows:
 - a. FW Floodway District. The FW Floodway District is the channel of a river or stream (or a portion of water body) and those portions of the floodplain adjoining the channel (or portion of a water body) required to carry the regional floodwaters.
 - b. FF Flood fringe District. The FF Flood fringe District is that portion of the floodplain between the regional flood limits and the floodway.
 - c. GFP General Floodplain District. The GFP General Floodplain District comprises those areas that have been or may be covered by floodwater during the regional flood.
5. **Locating floodplain boundaries and resolving boundary discrepancies.**
 - a. Profile elevation. The Zoning Administrator or Designated Authorized Agent can rely on a boundary derived from a profile elevation to grant or deny a development permit, whether or not a map amendment is required. The Zoning Administrator or Designated Authorized Agent shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Ordinance.
 - b. Discrepancies. Discrepancies between boundaries on the official floodplain zoning map specified in this Section and actual field conditions shall be resolved as follows:
 - (1) If a flood profile exists, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevation shall govern if there are any discrepancies. Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map, the Federal Emergency Management Agency (FEMA) must approve a map amendment, pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#);
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual onsite inspection, and any information provided by the Wisconsin Department of Natural Resources.
 - c. Disputes. Disputes between the Zoning Administrator or Designated Authorized Agent and an owner of owner's agent shall be resolved by the Zoning Board of Appeals pursuant to [Section 3.12: Appeals, Variances, and Boundary Disputes relating to the Floodplain Overlay](#).
6. **Removal of lands from the floodplain.**
 - a. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodplain unless the following conditions are met:
 - (1) The subject area is filled at least two (2) feet above the regional or base flood elevation;
 - (2) The subject area filled is contiguous to land outside the floodplain; and
 - (3) The map is amended pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

- b. Removing land from the floodplain does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact the Federal Emergency Management Agency (FEMA) to request a Letter of Map Change (LOMC).
 - 7. **Compliance.** Any development or use within the areas regulated by this Ordinance shall be in compliance with the terms of this Ordinance and other applicable, local, state, and federal regulations. Unless exempted by law, all government agencies are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if [Section 13.48\(13\) of the Wisconsin Statutes](#) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when [Section 30.2022 of the Wisconsin Statutes](#) applies.
 - 8. **Abrogation and greater restrictions.**
 - a. This Ordinance supersedes all provisions of any zoning ordinance enacted in the City of Ashland under [Section 62.23 of the Wisconsin Statutes](#), which relates to floodplains. If another ordinance is more restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - b. This Ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants, or easements. If this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
 - 9. **Interpretation.** In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Ordinance, required by [Chapter NR 116 of the Wisconsin Administrative Code](#) is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.
 - 10. **Warning and disclaimer of liability.** The flood protection standards of this Ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by human or natural causes. This Ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Ordinance create liability on the part of, or a cause of action against, the City of Ashland or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.
- C. Development Standards Applicable to All Floodplain Districts**
- 1. **Hydraulic and hydrologic analyses.**
 - a. Except as allowed in this subparagraph, no floodplain development shall do any of the following:
 - (1) Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds one one-hundredths (0.01) foot.

Helpful Note.
Refer also to [Part 8: Environmental Protection](#) for additional requirements and standards.

- b. The Zoning Administrator or Designated Authorized Agent shall deny development permits if it is determined the proposed development will obstruct flow or increase regional flood heights one one-hundredths (0.01) foot or more, based on the officially adopted Flood Insurance Rate Map (FIRM) or other adopted map, unless the provisions of Subparagraph c. are met.
 - c. Obstructions or increases equal to or greater than one one-hundredths (0.01) foot may only be permitted if amendments are made to this Ordinance, the official floodplain zoning map, floodway lines, and water surface profiles pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#). Any such amendments must be reviewed and approved by the Regional Office of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA).
2. **Watercourse alterations.**
- a. No development permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator or Designated Authorized Agent has notified in writing all adjacent municipalities, the Regional Office of the Department of Natural Resources, and the Federal Emergency Management Agency (FEMA) and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.
 - b. As soon as practical, but not later than six (6) months, after the date of the watercourse alteration or relocation, the Zoning Administrator or Designated Authorized Agent shall notify the Federal Emergency Management Agency (FEMA) of the changes by submitting appropriate technical or scientific data in accordance with National Flood Insurance Program (NFIP) guidelines that shall be used to revise the Flood Insurance Rate Map (FIRM), risk premium rates, and floodplain management regulations as required.
3. **Development of docks, piers, wharves, bridges, and similar structures.** Development that requires a permit from the Wisconsin Department of Natural Resources under [Chapter 30 of the Wisconsin Statutes](#) and [Chapter 31 of the Wisconsin Statutes](#), such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, base flood elevations established in the Flood Insurance Study, or other data from the officially adopted Flood Insurance Rate Map (FIRM), or other floodplain zoning maps or the provisions of this Section are made pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).
4. **Public or private campgrounds.** Public or private campgrounds in the Floodplain Overlay shall have a low flood damage potential and shall meet the following provisions:
- a. The campground is approved by the Wisconsin Department of Health Services;
 - b. A development permit for the campground is issued by the Zoning Administrator or Designated Authorized Agent;
 - c. The character of the water body and the elevation of the campground are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;
 - d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. The procedure shall include a written agreement between the campground owner, the

local emergency government coordinator, and chief law enforcement official, which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used, and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- e. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated (by the officials specified in Subparagraph d. above) to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations;
- f. Only camping units are allowed;
- g. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;
- h. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all provisions of this Section;
- i. The City of Ashland shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section;
- j. All camping units that remain in place for more than one hundred eighty (180) consecutive days shall meet the applicable requirements Subsection D or Subsection E of this Section for the floodplain district in which the structure is located;
- k. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued;
- l. All service facilities, including, but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems, and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

D. Development Standards Applicable to the FW Floodway District

- 1. **Applicability.** This Subsection applies to all floodway areas on the official floodplain zoning maps or as may be amended pursuant to this Section.
- 2. **Permitted uses.** The following open space uses shall be allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited in the underlying zoning district, they meet the standards of this Subsection, and all permits or certificates have been issued pursuant to this Ordinance:
 - a. Agricultural uses, including, but not limited to, farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting;
 - b. Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips;
 - c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing

areas, and hiking and horseback riding trails, subject to the fill limitations of this Subsection;

- d. Uses or structures accessory to open space uses, or classified as historic structures that comply with this Subsection;
- e. Extraction of sand, gravel, or other materials that comply with this Subsection;
- f. Functionally water-dependent uses, such as docks, piers, wharves, dams, flowage areas, culverts, navigational aids, and river crossings of transmission lines and pipelines that comply with [Chapter 30 of the Wisconsin Statutes](#) and [Chapter 31 of the Wisconsin Statutes](#);
- g. Public utilities, streets, and bridges that comply with this Subsection.

3. Standards for development in floodway areas.

- a. General.
 - (1) Any development in floodway areas shall comply with Subsection C, General Standards Applicable to All Floodplain Districts and have low flood damage potential.
 - (2) Applicants shall provide the following data to determine the effects of the proposal according to the hydraulic and hydrologic analyses specified in Subsection C:
 - A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - An analysis calculating the effects of this proposal on regional flood height.
 - (3) The Zoning Administrator or Designated Authorized Agent shall deny the development permit application if the project will increase flood elevations upstream or downstream one one-hundredths (0.01) foot or more, based on the data submitted in Clause (2) above.
- b. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - (1) The structure is not designed for human habitation and does not have a high flood damage potential;
 - (2) The structure must be anchored to resist flotation, collapse, and lateral movement;
 - (3) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - (4) The structure must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- c. Public utilities, streets, and bridges. Public utilities, streets, and bridges may be allowed by permit if the following conditions are met:
 - (1) Adequate flood proofing measures are provided to the flood protection elevation; and

- (2) Construction meets the development standards specified in *Subsection C.,1.* of this Section.
- d. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if the following conditions are met:
 - (1) The requirements of *Subsection C.,1.* of this Section are met;
 - (2) No material is deposited in the navigable channel unless a permit issued by the Wisconsin Department of Natural Resources pursuant to [Chapter 30 of the Wisconsin Statutes](#), and a permit pursuant to *Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 United States Code 1344* has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous material.
- 4. **Prohibited uses.** All uses not listed as permitted uses in the Floodway District are prohibited, including the following uses:
 - a. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
 - b. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Wisconsin Department of Natural Resources approved campgrounds that meet the applicable provisions of local ordinances and [Chapter SPS 383 of the Wisconsin Administrative Code](#).
 - e. Any public or private wells that are used to obtain potable water, except those for recreational areas that meet the requirements of the City of Ashland's ordinances and [Chapter NR 811 of the Wisconsin Administrative Code](#) and [Chapter NR 812, Wisconsin Administrative Code](#);
 - f. Any solid or hazardous waste disposal sites;
 - g. Any wastewater treatment ponds or facilities, except those permitted under [Section NR 110.15,\(3\),\(b\) of the Wisconsin Administrative Code](#); or
 - h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

E. Development Standards Applicable to the FF Flood fringe District

- 1. **Applicability.** This Subsection applies to flood fringe areas shown on the official floodplain zoning maps or as may be amended pursuant to this Section.
- 2. **Permitted uses.** Any structure, land use, or development is allowed in the Flood fringe District if they are not prohibited in the underlying zoning district, they meet the standards of this Subsection, and all permits or certificates have been issued pursuant to this Ordinance.

3. **Standards for development in flood fringe areas.** In addition the following requirements, any development in floodway areas shall comply with Subsection C, General Standards Applicable to All Floodplain Districts and have low flood damage potential.
- a. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area, shall meet or exceed the following standards:
- (1) The elevation of the lowest floor, excluding the basement or crawlspace, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Wisconsin Department of Natural Resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - (2) The basement or crawlspace floor may be placed at the regional flood level if it is floodproofed to the flood protection elevation. No basement or crawlspace floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Clause (4) below;
 - (4) In development where existing street or sewer line elevations make compliance with Clause (3) above impractical, the City of Ashland may permit new development and substantial improvements where access roads area at or below the regional flood elevation if one or more of the following conditions are met:
 - The City of Ashland has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Wisconsin Department of Natural Resources.
- b. Accessory structures or uses.
- (1) Except as provided in Clause (2) below, an accessory structure that is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - (2) An accessory structure that is not connected to the principal structure and that is less than six hundred (600) square feet in size and valued at less than ten thousand dollars (\$10,000) may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second and it meets all the provisions of *Subsection D.,3.,b.,Structures* of this Section and *Subsection E.,3.,e., Storage of Materials* of this Section.
- c. Commercial uses. Any commercial structure that is erected, altered, or moved into the floodfringe area shall meet the requirements of this Subsection. Subject to the requirements of *Subsection E.,3.,e., Storage of Materials* of this Section, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- d. Manufacturing and industrial uses. Any manufacturing and industrial structure that is erected, altered, or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures specified in this Section. Subject to the requirements of *Subsection E.,3.,e., Storage of Materials*, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with this Section. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f. Public utilities, streets, and bridges. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans and as follows:
 - (1) When failure of public utilities, streets, and bridges would endanger public health or safety, or where such utilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with this Section to the flood protection elevation; and
 - (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- g. Sewage systems. All onsite sewage disposal systems shall be floodproofed, pursuant to this Section, to the flood protection elevation and shall meet the provisions of all local ordinances and [*Chapter SPS 383 of the Wisconsin Administrative Code*](#).
- h. Wells. All wells shall be floodproofed, pursuant to this Section, to the flood protection elevation and shall meet the provisions of [*Chapter NR 811 of the Wisconsin Administrative Code*](#) and [*Chapter NR 812 of the Wisconsin Administrative Code*](#).
- i. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j. Deposition of materials. Any deposited material must meet all the provisions of this Ordinance.
- k. Manufactured homes.
 - (1) Owners or operators of all manufactured home communities and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home communities, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation and be anchored so they do not float, collapse, or move laterally during a flood.
 - (3) Outside of existing manufactured home communities, including new manufactured home communities and all single units outside existing manufactured home communities, all new, replacement, and substantially

improved manufactured homes shall meet the residential development standards for the flood fringe as specified in this Section.

- l. **Mobile recreational vehicles.** All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements specified in this Section. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has not permanently attached additions.

F. Development Standards Applicable to the GFP General Floodplain District

1. **Applicability.** The provisions of the General Floodplain District shall apply to all floodplains for which flood profiles are not available or where flood profiles are available, but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate information is available.
2. **Permitted uses.**
 - a. Pursuant to *Subsection F., 4., Determining Floodway and Flood fringe Limits*, it shall be determined whether the proposed use is located within a floodway or flood fringe area.
 - b. Those uses permitted in the floodway and flood fringe areas as specified in this Section are allowed within the General Floodplain District, according to the standards of this Subsection and provided that all permits or certificates required under this Section have been issued.
3. **Standards for development in the General Floodplain District.** Subsection D., Development Standards Applicable to the FW Floodway District applies to floodways. Subsection E., Development Standards Applicable to the FF Flood fringe District applies to flood fringe areas. All other provisions of this Section apply to either district.
4. **Determining floodway and flood fringe limits.** Upon receiving an application for development within the general floodplain district, the Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Require the applicant to submit two copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and floodproofing measures;
 - b. Require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries:
 - (1) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

- (3) Profile showing the slope of the bottom of the channel or flow line of the stream; and
 - (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- c. Transmit one copy of the information described in 4.,a. and 4.,b. of this Subsection to the Regional Office of the Wisconsin Department of Natural Resources with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. If a development permit is required, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Section 4.51 WET-O Wetland Overlay District

A. Intent

Uncontrolled use of the shoreland and wetlands and pollution of the navigable waters of City of Ashland would adversely affect the public health, safety, convenience, and general welfare, and impair the tax base. Consequently, the intent of the WET-O Wetland Overlay District is to accomplish the following:

1. Promote the public health, safety, convenience, and general welfare;
2. Maintain the storm and flood water storage capacity of wetlands;
3. Prevent and control water pollution by preserving wetlands, which filter or store sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Protect fish, their spawning grounds, other aquatic life, and wildlife by preserving wetlands and other aquatic habitat;
5. Prohibit certain uses detrimental to the shoreland and wetland areas; and
6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland and wetland excavation, filling and other earth moving activities.

B. General Provisions

1. **Compliance.** The use of wetlands and the alteration of wetlands within the City of Ashland shall be in full compliance with the provisions of this Ordinance and other applicable, local, state, or federal regulations. All permitted development shall require the issuance of a development permit or building permit unless otherwise expressly excluded by this Ordinance. Unless exempted by law, all government agencies are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if [Section 13.48\(13\) of the Wisconsin Statutes](#) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when [Section 30.12,\(4\),\(a\) of the Wisconsin Statutes](#) applies.
2. **Abrogation and greater restrictions.**
 - a. This Ordinance supersedes all provisions of any ordinance adopted by the City of Ashland under [Section 62.23 of the Wisconsin Statutes](#), which relates to floodplains and shoreland-wetlands, except that where another applicable ordinance is more

restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- b. This Ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- 3. **Interpretation.** In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Ordinance is required by a standard in [Chapter NR 117 of the Wisconsin Administrative Code](#), and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

C. District Boundaries

1. **Wetland zoning maps.** The following maps are hereby adopted and made part of this Ordinance and are on file in the Office of the Clerk of the City of Ashland:
 - a. Wisconsin Wetland Inventory maps stamped “FINAL” on December 17, 1985;
 - b. Floodplain zoning maps titled “Flood Insurance Rate Map” dated September 30, 1977;
 - c. United States Geological Survey quadrangle maps current at the time of the adoption of this Ordinance; and
 - d. Official City Zoning Map.
2. **District boundaries.** The Wetland Overlay District includes, at a minimum, all wetlands in the City of Ashland that are five (5) acres or more and that are shown on the Wisconsin Wetland Inventory Map stamped “Final”, which has been adopted and made a part of this Ordinance, and provided that the wetlands are consistent with the following conditions:
 - a. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the city shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this Ordinance; or
 - b. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this Ordinance. The adopted Flood Insurance Rate Maps or other adopted community floodplain maps used to delineate the floodplain area shall be used to determine the extent of the floodplain areas.
3. **Determinations of navigability and ordinary high water mark location.** Determinations of navigability and ordinary high water mark locations shall be made by the Zoning Administrator or Designated Authorized Agent. When questions arise, the Zoning Administrator or Designated Authorized Agent shall contact the Regional Office of the

Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high water mark.

4. **Discrepancies between the official maps and field conditions.** When an apparent discrepancy exists between the Wetland Overlay District boundary shown on the adopted maps and actual field conditions at the time the maps were adopted, the Zoning Administrator or Designated Authorized Agent shall contact the appropriate District Office of the Wisconsin Department of Natural Resources to determine if the Wetland Overlay District boundary as mapped, is in error. If the Wisconsin Department of Natural Resources staff concur with the Zoning Administrator or Designated Authorized Agent that a particular area was incorrectly mapped as a wetland, the Zoning Administrator or Designated Authorized Agent shall have the authority to immediately grant or deny a development permit or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in this Section, the Zoning Administrator or Designated Authorized Agent shall be responsible for initiating a map amendment within a reasonable time.
5. **Additional wetlands.** From time to time the City of Ashland may amend this Ordinance to include additional wetlands in this District pursuant to the procedures specified in Section 3.7., Map and/or Text Amendment to the Wetland Overlay District.

D. Uses

1. **Permitted uses.** The following uses are permitted subject to the provisions of [Chapter 30 of the Wisconsin Statutes](#) and [Chapter 31 of the Wisconsin Statutes](#), and the provisions of all other applicable local, state, and federal laws:
 - a. Activities and uses that do not require the issuance of a development permit or building permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning, and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
 - b. Uses that do not require the issuance of a development permit or building permit and that may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures that are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

- (3) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and fill necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District, provided that such installation or maintenance is done in a manner designed to minimize impacts upon the natural functions of the wetland specified in this Section; and
 - (7) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- c. Uses that are allowed upon the issuance of a development permit or building permit and that may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads that are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted under this Section, provided that the following conditions are met:
 - The road cannot, as a practical matter, be located outside the wetland;
 - The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland specified in this Section;
 - The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - Road construction activities are carried out in the immediate area of the roadbed only; and
 - Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that the following conditions are met:
 - The building is used solely in conjunction with a use permitted in this Section or for the raising of waterfowl, minnows, or other wetland or aquatic animals;
 - The building cannot, as a practical matter, be located outside the wetland;
 - The building does not exceed five hundred (500) square feet in floor area; and

- Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural, and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves, and public boat launching ramps, provided that the following conditions are met:
 - Any private development under this clause shall be used specifically for the permitted purpose;
 - Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the construction of park shelters, or similar structures is allowed;
 - The construction and maintenance of roads necessary for the uses permitted under this Clause are allowed only where such construction and maintenance meets the criteria specified in Subsection D., 1., c.,(1) of this Section; and
 - Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines, sewage collection lines and related facilities, and the construction and maintenance of railroad lines provided that the following are conditions are met:
 - The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - Only limited filling and excavating necessary for such construction or maintenance is allowed; and
 - Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland as specified in [Section 3.7: Map and/or Text Amendments to the Wetland Overlay District](#).

2. Prohibited uses.

- a. Any use not listed as a permitted use in this Section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance pursuant to [Section 3.7: Map and/or Text Amendments to the Wetland Overlay District](#).
- b. The use of a boathouse for human habitation, and the construction or placement of a boathouse or fixed boathouse below the ordinary high water mark of any navigable waters, is prohibited.

Section 4.52 - 4.54 (Reserved for potential additional overlay districts other than PUDs.)

Section 4.55 PUD Planned Unit Development Overlay District

A. Intent

The Planned Unit Development (PUD) Overlay District is intended to encourage efficient use of land and provision of amenities by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the parcel restrictions of the standard or underlying zoning districts of this Ordinance.

B. Applicability

1. **Ownership.** A tract of land proposed to be developed as a planned unit development (PUD) shall be under the control of a single owner, partnership, corporation, or association where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easement, and other provisions with Ashland County.
2. **Minimum area.** A planned unit development shall have a minimum of ten (10) acres unless specified otherwise in this Ordinance. However, the Zoning Administrator, Plan Commission or Designated Authorized Agent may waive the minimum area requirement if the Zoning Administrator, Plan Commission or Designated Authorized Agent finds that it is in the best interest of the community to allow a planned unit development with an area of less than ten (10) acres.
3. **Condominium projects.** Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as Planned Unit Development if, as a result of a condominium division of the land, the parcel requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting parcel size would be less than otherwise required.
4. **Conservation subdivision development.** Conservation subdivision developments pursuant to [Section 4.56 Conservation Subdivision Overlay District](#) shall be processed in accordance with the planned unit development provisions of this Section.
5. **Traditional neighborhood design development.** Traditional neighborhood design developments pursuant to [Section 4.57: Traditional Neighborhood Design Overlay District](#) shall be processed in accordance with planned unit development provisions of this Section.

C. Administration

Refer to [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay District](#) for application and administration of the Planned Unit Development (PUD) Overlay District.

Section 4.56 Conservation Subdivision Overlay District**A. Intent**

The intent of this Section is to allow the optional development and redevelopment of land in the City of Ashland consistent with the principles of conservation subdivision developments and in accordance with planned unit development (PUD) procedures. For the purpose of this Ordinance, a conservation subdivision development is intended to allow for a more compact layout of rural residential uses than is typically allowed in conventional rural residential development in return for the conservation of a large contiguous area of common open space that helps conserve rural character or significant natural or cultural resources. More specifically, the intent of the Conservation Subdivision Overlay District is as follows:

1. Guide the future growth and development of the community consistent with the City of Ashland's adopted Comprehensive Plan;

2. Guide the detailed analysis of land so as to locate and coordinate appropriate areas for development and conservation;
3. Preserve rural character through the permanent preservation of meaningful open space and sensitive natural resources;
4. Preserve scenic views by minimizing views of new development from existing roads;
5. Preserve agricultural land by concentrating housing on lands that have low agricultural potential;
6. Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
7. Provide for a diversity of parcel sizes, housing choices, and building densities to accommodate a variety of age and income groups;
8. Provide buffering between residential development and non-residential uses;
9. Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to significant existing vegetation, and maintain environmental corridors;
10. Preserve significant archaeological sites, historic buildings, and their settings; and
11. Meet demand for housing in a rural setting.

B. Applicability

A conservation subdivision development is allowed pursuant to the following conditions:

1. **Allowable underlying zoning district.** A conservation subdivision development shall only be allowed in the FD Future Development District;
2. **Minimum area.** A conservation subdivision development shall have a minimum area of twenty acres (20) acres or more;
3. **Minimum of four residential parcels.** The conservation subdivision development shall have at least four (4) residential parcels;
4. **Planned unit development.** A conservation subdivision development shall be designed and processed pursuant to the planned unit development procedures specified in [Section 4.55 PUD Planned Unit Development Overlay District](#) and [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay](#); and
5. **Plat.** The creation of a conservation subdivision shall require preliminary and final plat approval pursuant to [Section 3.23: Preliminary Plat](#) and [Section 3.24: Final Plat](#).

C. Permitted Uses and Density

1. **Permitted uses.** Single-family detached residential dwellings, agriculture, parks, open space, and similar and related uses are the only permitted uses in a conservation subdivision development. Commercial and industrial uses shall be prohibited.
2. **Overall density and development yield.** The overall density for the parent parcel is the same as would be allowed for a conventional development in the FD Future Development District, except the base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a development yield bonus of five (5) percent in addition to the base development yield. The maximum bonus permitted is twenty (20) percent.

- a. Endowment. Creation of an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs relating to taxes, insurance, maintenance, enforcement, and similar items.
- b. Public access. Provision of access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
- c. Affordable housing. Provision of affordable housing, to include a minimum of twenty-five (25) percent of all units that would be affordable to moderate income households, as defined by the United State Department of Housing and Urban Development.
- d. Historical buildings. Reuse of historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The United States Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

D. Design Standards

1. **Design theme.** Conservation subdivision developments shall develop a conservation theme or themes. This theme shall be identified at the time of the initial planned unit development (PUD) application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, watershed preservation, or archaeological and historic properties preservation. The Plan Commission shall have the ability to specify which areas shall be preserved.
2. **Residential parcel requirements.**
 - a. Parcel size. The minimum parcel size with onsite septic shall be one (1) acre. The minimum parcel size with off-site or community septic shall be one-quarter (1/4) acre.
 - b. Setback requirements for principal buildings. The setbacks of underlying FD Future Development District may be modified as follows for an approved conservation subdivision development:
 - (1) Minimum principal building setback from the front parcel line or corner street side parcel line: Twenty five (25) feet;
 - (2) Minimum principal building setback from interior side parcel line: Eight (8) feet;
 - (3) Minimum principal building setback from rear parcel line: Thirty-five (35) feet.
 - c. Height requirements for principal buildings. Principal buildings shall not exceed two stories above grade or thirty-five (35) feet in height.
 - d. Size, height, and setback requirements of accessory buildings. The size, height, and setback requirements shall be as specified in [Section 5.6, A.: Accessory Building](#).
 - e. Maximum impervious coverage. Parcels shall be configured to minimize the amount of impervious surfaces, but in no case shall the impervious coverage of parcel exceed thirty-five (35) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

- f. Access. Most parcels shall take access from an interior local street. However existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.
- g. Streets. Parcels shall, to the maximum extent practical, be configured to minimize the amount of street length required for the development.
- h. Development envelopes. Development envelopes shall, to the maximum extent practical, be configured to minimize the loss of trees and other significant resources. Development envelopes shall not be located on ridges, hilltops, along peripheral public roads, or in other visually prominent areas.
- i. Agricultural uses. If agricultural uses are being maintained, parcels shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- j. Common open space. All parcels within a neighborhood should abut common open space on at least one side. A local street may separate parcels from open space. Parcels should generally be oriented around a central green square and/or a physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
- k. Energy efficiency. Residential structures should be sited to maximize energy efficiency.

3. Residential cluster siting standards and guidelines.

- a. Residential clusters. All residential parcels and dwellings shall be grouped into clusters. Each cluster shall contain no less than four (4) dwelling units and no more than twenty (20) dwelling units.
- b. Location of residential clusters. Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between compatible uses.
- c. Encroachment on significant natural resources prohibited. Residential clusters shall avoid encroaching on rare plant communities, sites with high environmental or cultural qualities, or endangered species identified by the Department of Natural Resources.
- d. Connections to adjacent open space. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- e. Siting criteria. Residential clusters shall be sited to achieve the following goals, to the extent practical:
 - (1) Minimize impacts to agricultural uses and avoid interference with normal agricultural practices;
 - (2) Minimize disturbance to woodlands, wetlands, grasslands, and specimen trees;
 - (3) Prevent downstream impacts due to runoff through adequate onsite storm water management practices pursuant to the provisions of this Ordinance;
 - (4) Protect scenic views of open land from adjacent roads. Visual impact shall be minimized through use of landscaping or other features; and

- (5) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- f. Landscape screening. Landscaping around the cluster may be necessary to reduce off-site views of residence.

4. Common open space design standards and guidelines.

- a. Ownership and use. The minimum common open space required shall be owned and maintained under one of the alternatives listed in this Section and as approved by the Common Council. The uses within the open space shall be accessible to residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required common open space shall be undivided and restricted in perpetuity from future development as specified in this Section.
- b. Minimum area. Common open space shall be designated as part of the development. The minimum required common open space is sixty (60) percent of the gross acreage.
- c. Priorities. The areas to be preserved as common open space shall be identified on an individual basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site. In general, common open space priorities shall be as follows:
 - (1) First priority shall be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes;
 - (2) Second priority shall be given to areas providing some plant and wildlife habitat and open spaces values;
 - (3) Third priority shall be given to areas providing little habitat, but providing viewshed, recreation, or a sense of open space.
- d. Allowable structures. The following areas or structures may be located within the common open space area and shall be counted toward the overall common open space percentage required:
 - (1) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space;
 - (2) Privately held buildings or structures provided they are accessory to the use of the common open space;
 - (3) Shared septic systems and shared potable water systems.
- e. Street right-of-ways. Street right-of-ways shall not be counted toward the required minimum common open space.
- f. Water bodies. No more than fifty (50) percent of the required common open space may consist of water bodies, ponds, floodplains, or wetlands.
- g. Plant and animal habitat. That portion of the common open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas to the extent practical.

- h. Recreational use. Accessible common open space in upland areas shall be available for recreational uses such as trails, play areas, or community gardens, but shall be designed in a manner that avoids adversely impacting archaeological sites.
 - i. Trails. A trail system connection common open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the conservation subdivision plan.
- 5. **Sewage and water facilities.**
 - a. Drinking water. Unless municipal water service is readily available, water for a conservation subdivision shall be provided by individual onsite wells or by one or more community wells meeting the requirements of the State of Wisconsin and the City of Ashland. The use of shared or community wells is encouraged. Plans for shared or community wells shall include a wellhead protection plan with separation distances for the zones of influence and sources of pollution.
 - b. Sanitary sewer. Unless municipal sanitary sewer is readily available, sewer for a conservation subdivision shall be provided with an onsite sewage system that complies with the requirements of the State of Wisconsin and the City of Ashland. The use of a common sewage treatment system and disposal unit located on the common open space is encouraged.

Section 4.57 Traditional Neighborhood Design Overlay District

A. Intent

The intent of this Subsection is to allow the optional development and redevelopment of land in the City of Ashland consistent with the principles of traditional neighborhood design and in accordance with planned unit development (PUD) procedures. For the purpose of this Ordinance, a traditional neighborhood design is intended to have the following characteristics:

1. A more compact layout of buildings and uses than is typically allowed in conventional developments;
2. An emphasis on building and site design that relates well to the human scale;
3. A mixture of uses that may include residential, commercial, civic, light industries, green industries, and open spaces in close and harmonious relationship with one another in the neighborhood;
4. A mixture of housing styles, types, and sizes to accommodate a variety of household ages, sizes, and incomes;
5. A system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists, and provides for connections to existing and future developments;
6. Preservation of existing buildings with historical or architectural features that enhance the visual character of the community;
7. Incorporation of significant environmental features into the development; and
8. Consistency with the goals, objectives, policies, and plans of the adopted Comprehensive Plan of the City of Ashland.

B. Applicability

A traditional neighborhood design development may be allowed pursuant to the following:

1. **Allowable underlying zoning districts.** A traditional neighborhood design development shall only be allowed in the following underlying zoning districts:
 - a. MRC Mixed Residential/Commercial District;
 - b. PRI Planned Residential/Institutional District;
 - c. CC City Center District;
 - d. W-MRC Waterfront Mixed Residential/Commercial District;
 - e. W-CRM Waterfront Conference/Residential Mix; or
 - f. W-CC Waterfront City Center District.
2. **Minimum area.** A traditional neighborhood design development shall have an area of at least twenty (20) acres if located in the PRI Planned/Residential Institutional District or at least ten (10) acres if located in another allowable district. However, the Common Council can waive the minimum area requirement if the Council finds that the proposed development is consistent with the intent of this Section and that the development would be in the best interest of the community.
3. **Planned unit development.** A traditional neighborhood design development shall be designed and processed pursuant to the planned unit development procedures specified in [Section 4.55: PUD Planned Unit Overlay District](#) and [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay District](#).
4. **Plat.** The creation of a traditional neighborhood design development shall require preliminary and final plat approval pursuant to [Section 3.23: Preliminary Plat](#) and [Section 3.24: Final Plat](#).

C. Uses

Traditional neighborhood design developments shall have a mixture of uses consistent with the permitted uses and conditional uses in the underlying zoning district. In cases where a traditional neighborhood design involves infill or redevelopment, existing adjacent uses may help satisfy the desired mixture of uses. The mixture of uses shall be consistent with the following criteria:

1. **Residential.** To the maximum extent practical, the development shall provide a mixture of housing to address the diverse needs of the community. Housing may include single-family detached dwellings, single-family attached dwellings, multi-family dwellings, accessory dwellings, community living arrangements, and assisted living facilities where appropriate in the underlying districts. The housing shall also be designed to address a diverse range of incomes.
2. **Commercial.** A variety of commercial uses that cater to the daily needs of the development shall be provided within the development. Such uses may include neighborhood convenience stores, coffee shops, personal service uses, and similar uses. Individual commercial uses shall not exceed two thousand five hundred (2,500) feet. Commercial uses shall be designed and placed to promote pedestrian access.
3. **Industry.** Light industries and/or green industries may be appropriate in certain underlying districts. Industry shall be compatible with the residential and commercial uses in the development.

4. **Public, civic, and institutional uses.** Where feasible, public, civic, and institutional uses shall be integrated into the development. Such uses may include schools, religious institutions, community centers, and similar uses.
5. **Open space.** At least ten (10) percent of the development shall consist of common open space accessible to the public. The type of open space will depend on the underlying zoning district in which the development is located.
6. **Ratio of residential to non-residential uses.** The total area of non-residential uses shall not exceed twenty-five (25) percent of the total area of the traditional neighborhood design development.

D. Design Standards and Guidelines

A traditional neighborhood design development shall be designed with coordinated and harmonious building and site design integrated throughout the entire development. In addition to the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#), design standards for traditional neighborhood design developments are as follows:

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other dimensional requirements shall be similar to the dimensional requirements of the underlying zoning district. However, the dimensional requirements can be adjusted pursuant to the planned unit development (PUD) procedures of this Ordinance.
2. **Distinct character.** A variety of architectural features and building materials shall be provided to give each building or group of buildings a distinct character that relates to the overall theme of the development.
3. **Building height.** Buildings shall not exceed the height requirements of the underlying zoning district. Buildings shall generally be no more than thirty (30) percent taller or thirty (30) percent shorter than the average building height on the block.
4. **Entries and facades.** The maximum extent practical, entries and facades shall comply with the following guidelines:
 - a. The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street;
 - b. The front façade of the principal building on any parcel shall face onto a public street;
 - c. The front façade shall not be oriented to face directly toward a parking lot;
 - d. All building entrances shall be clearly identified through architectural features;
 - e. For commercial buildings, a minimum of fifty (50) percent of the front façade on the street level shall be transparent, consisting of window and door openings that allow views into and out of the interior; and
 - f. New structures on opposite sides of the same street shall follow similar design guidelines.
5. **Exterior signage.** A comprehensive sign program is required for the entire development that establishes a uniform theme. Signs shall have a common style based on size, shape, color, and material.

6. **Landscaping and screening.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. Larger, well-placed contiguous plantings are preferred to smaller disconnected areas.
7. **Energy efficiency.** Structures should be sited to maximize energy efficiency.

above, the Zoning Administrator or Designated Authorized Agent shall interpret the district boundaries.

E. Zoning for Newly Annexed Land

All land annexed to the City shall automatically be designated FD Future Development District unless otherwise directed by the Common Council as part of the annexation process. Such designation shall remain until definite boundaries and regulations for such land are adopted by the Common Council.

F. Land Use Table & Dimensional Requirements Table

Appendix C-1: Land Use Table presents a land use table that is intended to help aid the reader in comparing allowable land uses across the various base or (underlying) districts. This table is intended for general reference only. *Appendix C-2: Dimensional Requirements Table* presents a table that is intended to help aid in understanding dimensional requirements in each district. If a conflict exists between the information presented in the land use table and the information specified in the text of the districts described in this Part of this Ordinance, the text of the districts shall take precedence.

Predominantly Residential Districts

Sections 4.2 – 4.14 describe the zoning districts in the City of Ashland that are predominantly residential. However, these districts may also allow for a mixture of other uses including commercial, industrial, and public institutional uses. Likewise residential uses may also be allowed in other zoning districts that are predominantly commercial or industrial.

Section 4.2 R-E Residential Estate District

A. Intent

The intent of the R-E Residential Estate District is to provide areas, as guided by the Comprehensive Plan, for single-family detached dwellings (and other compatible uses) on relatively large parcels. Uses in the R-E Residential Estate District may or may not be served by municipal water and/or sanitary sewer service.

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*

b. Public, civic, and institutional uses.

(1) Public park

c. Utility and communication uses.

(1) Essential services

- d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and ten thousand (10,000) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) 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 permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the R-E Residential Estate 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) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: two-family or duplex
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Cemetery

- (2) Government or community service use
 - (3) Religious institution
 - (4) School: primary or secondary
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross developable area of five (5) acres or more
 - (2) Forestry, provided that the subject parcel has a gross developable area of five (5) acres or more
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than ten thousand (10,000) square feet of land disturbance, and as a separate activity that is not associated with a building permit or other development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - g. Other uses.
 - ~~(1) Accessory building, if the building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the R-E Residential Estate District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, or donkeys, pursuant to [Section 5.6, C.: Animals: Keeping of](#)

- (4) Animals: raising family farm animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (7) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (8) Fence, pursuant to [Section 6.5: Fences](#)
- (9) Foster care: family home
- (10) Greenhouse: local
- (11) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (12) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Signs, pursuant to [Section 6.6: Signs](#)
- (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-E Residential Estate District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One half (1/2) acre.
 - b. Minimum parcel width. One hundred (100) feet.

- c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Forty (40) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows.
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the minimum principal building setback from the interior side parcel line as specified in this section shall be increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The maximum building coverage shall be as follows:
 - a. All residential uses. Twenty-five (25) percent.
 - b. Other uses. Fifty (50) percent.
6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Thirty (30) percent impervious coverage.
 - b. Other uses. Seventy (70) percent impervious coverage.

Section 4.3 R-1 Single-Family Residential District

A. Intent

The intent of the R-1 Single-Family Residential District is to provide areas, as guided by the Comprehensive Plan, for low-density single-family residential uses and other uses compatible with single-family residential uses.

B. Uses

1. **Permitted uses.** The following are permitted uses in the R-1 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
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) 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 permitted uses in this district.
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.
- 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, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: two-family or duplex
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.:](#)

- (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Cemetery
 - (2) Government or community services
 - (3) Religious institution
 - (4) School: primary or secondary
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - (1) ~~Accessory building, if the building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - (2) 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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the R-1 Single-Family Residential District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-1 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: single-family detached. Seven thousand (7,000) square feet.
 - (2) Other residential use. Ten thousand five hundred (10, 500) square feet.
 - (3) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: single-family detached. Fifty (50) feet.

- (2) Other residential use. Seventy-five (75) feet.
 - (3) Other principal use. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
- a. Minimum principal building setback from front parcel line.
 - (1) All residential use. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.
 - (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
 - d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
- a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.**
- a. All residential uses. Thirty (30) percent.
 - b. Other use. Fifty (50) percent.
6. **Maximum impervious coverage.** The maximum allowable impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
- a. All residential uses. Forty (40) percent.

- b. Other use. Seventy (70) percent.

Section 4.4 R-2 Single and Two-Family Residential District

A. Intent

The intent of the R-2 Single and Two-Family Residential District is to provide areas, as guided by the Comprehensive Plan, for low-density residential uses allowing both single-family and two-family dwellings and to allow for other uses compatible with single and two-family residences.

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~~

b. Public, civic, and institutional uses.

- (1) Public park

c. Utility and communication uses.

- (1) Essential services

d. Open space uses.

- (1) Open space: private or public

e. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)

f. Other uses.

- (1) 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 permitted uses in this district.

2. **Conditional uses.** The following are conditional uses in the R-2 Single and Two-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.

- (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, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (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) Long term housing, pursuant to [Section 5.2, F.: Social Services](#)
 - (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - (10) Community-based Residential Facility
- b. Commercial uses.
- (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
- (1) Cemetery
 - (2) Clinic and Medical Office
 - (3) Government or community services
 - (4) Religious institution
 - (5) School: primary or secondary
- d. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
 - ~~(1) — Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as the principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the R-2 Single and Two-Family Residential District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)

- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5 B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-2 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: single-family attached. Seven thousand (7,000) square feet per dwelling unit.
 - (2) Dwelling: single-family detached. Seven thousand (7,000) square feet.
 - (3) Dwelling: two-family or duplex. Ten thousand five hundred (10,500) square feet.
 - (4) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (5) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: single-family attached. Fifty (50) feet per unit.
 - (2) Dwelling: single-family detached: Fifty (50) feet.
 - (3) Dwelling: two-family or duplex. Seventy-five (75) feet.
 - (4) Other residential use. Seventy-five (75) feet.
 - (5) Other principal use. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this Section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line.
 - (1) All residential uses. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.

- (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
- d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Thirty-five (35) percent.
 - b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum impervious coverage shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Forty (40) percent.
 - b. Other use. Seventy (70) percent.

Section 4.5 R-3 Medium Density Residential District

A. Intent

The intent of the R-3 Medium Density Residential District is to provide areas for medium density residential uses in Ashland. The R-3 District is also intended to allow for other uses compatible with medium density residential uses. Areas of medium density residential development may also occur within other districts, including, but not limited to, the MRC Mixed Residential/Commercial, W-MRC Waterfront Mixed Residential/Commercial, PRI Planned Residential/Institutional, CC City Center, and W-CC Waterfront City Center Districts.

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
- b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to *Section 6.1, H.: Grading, land filling, and/or excavation.*
 - f. Other uses.
 - (1) 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 permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the R-3 Medium Density 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) Convent, rectory, or monastery, pursuant to *Section 5.1, D.: Convent, Rectory, or Monastery*
 - (5) Dwelling: single-family detached
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in *Section 5.1, F.: Home Occupation*
 - (8) Long term housing, pursuant to *Section 5.2, F.: Social Services*
 - (9) Rehabilitation center/transitional living facility, pursuant to *Section 5.1, J.: Rehabilitation Center/Transitional Living Facility*

- (11) Community-based Residential Facility
- b. Commercial uses.
- (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Government or community services
 - (3) Nursing home
 - (4) Religious institution
 - (5) School: primary or secondary
- d. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
- ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
- ~~(2)~~(1) Parking lot as the principal use
- ~~(3)~~(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the R-3 Medium Density Residential District, pursuant to all applicable specific use standards.

- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R3 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: multi-family. Five thousand (5,000) square feet per dwelling unit.
 - (2) Dwelling: single-family attached. Five thousand (5,000) square feet per dwelling unit.
 - (3) Dwelling: two-family or duplex. Ten thousand five hundred (10,500) square feet.

- (4) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (5) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: multi-family. One hundred (100) feet.
 - (2) Dwelling: single-family attached. Thirty-five (35) feet per dwelling unit.
 - (3) Dwelling: two-family or duplex. Seventy-five (75) feet.
 - (4) Other residential use. Seventy-five (75) feet.
 - (5) Other principal use. One (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line.
 - (1) All residential uses. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.
 - (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
 - d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**

- a. All residential uses. Forty (40) percent.
 - b. Other use. Fifty (50) percent.
6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
- a. All residential uses. Forty-five (45) percent.
 - b. Other use. Seventy (70) percent.

Section 4.6 R-4 High Density Residential District

A. Intent

The intent of the R-4 High Density Residential District is to provide areas for high-density residential uses in Ashland. The R-4 District is also intended to allow for other uses compatible with high-density residential uses. Other areas of high density residential development may occur within other districts, including, but not limited to, the MRC Mixed Residential/Commercial, W-MRC Waterfront Mixed Residential/Commercial, PRI Planned Residential/Institutional, CC City Center, W-CC Waterfront City Center, and PI Public/Institutional Districts.

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
 - ~~(3)(4)~~ Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
 - f. Other uses.

- (1) 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 permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the R-4 High Density 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) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dormitory
 - (6) Dwelling: multi-family, if more than eight (8) dwelling units per building
 - (7) Emergency residential facility
 - (8) Fraternity or sorority house
 - (9) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (10) Long term housing pursuant to [Section 5.2, F.: Social Services](#)
 - (11) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (12) Short term housing pursuant to [Section 5.2, F.: Social Services](#)
 - (13) Community-based Residential Facility
 - b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution, a primary or secondary school, or the common facilities of a multi-family dwelling complex and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Government or community service
 - (3) Nursing home
 - (4) Religious institution

- (5) School: primary or secondary
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as the principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the R-4 High Density Residential District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)

- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-4 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: multi-family. Two thousand five hundred (2,500) square feet per dwelling unit.
 - (2) Dwelling: single-family attached. Four thousand (4,000) square feet per dwelling unit.
 - (3) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (4) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: multi-family. One hundred (100) feet.
 - (2) Dwelling: single-family attached. Thirty-five (35) feet per dwelling unit.
 - (3) Other residential use. Seventy-five (75) feet.
 - (4) Other principal use. One (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty-five (35) feet.

- b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
- c. Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
- d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
3. **Maximum height of principal building.** Forty-five (45) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Forty (40) percent.
 - b. Other use. Fifty (50) percent.
6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Sixty (60) percent.
 - b. Other use. Seventy (70) percent.
7. **Minimum floor area per unit in multi-family uses.**
 - a. Efficiency unit. Five hundred (500) square feet.
 - b. One bedroom unit. Six hundred (600) square feet.
 - c. Two bedroom unit. Seven hundred fifty (750) square feet.
 - d. Three or more bedroom units. Seven hundred fifty (750) plus one hundred fifty (150) square feet for each additional bedroom beyond two (2).
8. **Minimum floor area per unit for multi-unit senior housing.**
 - a. Efficiency unit. Four hundred fifty (450) square feet.
 - b. One bedroom unit. Five hundred fifty (550) square feet.
 - c. Two bedroom unit. Seven hundred (700) square feet.
 - d. Three or more bedroom units. Seven hundred (700) plus one hundred (100) square feet for each additional bedroom beyond two (2).

Section 4.7 MHC Manufactured Home Community (Mobile Home Park) District

A. Intent

The intent of the MHC Manufactured Home Community (Mobile Home Park) District is to preserve and provide safe and attractive areas in Ashland for manufactured homes (mobile homes) in a manufactured home community (mobile home park) setting.

B. Uses

Sustainability Tip.

A sustainable community provides housing that meets the needs of all residents. Manufactured home communities provide an affordable housing option for many of Ashland's residents.

1. **Permitted uses.** The following uses are permitted in the MHC Manufactured Home Community (Mobile Home Park) 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 for use by the owner or caretaker of the associated manufactured home community
 - (3) Manufactured home, mobile home, and manufactured home community, pursuant to [Section 5.1, G.: Mobile Homes and Mobile/Manufactured Home Communities](#)
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Common facilities for use by residents and guests of a manufactured home community such as a laundromat, indoor and outdoor recreation facilities, and a storm shelter.
 - (2) Parking lot as a principal use, provided that it provides parking for the exclusive use of the residents of the mobile home community and their guests.
 - (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 permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the MHC Manufactured Home Community (Mobile Home Park) District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#).
 - a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served

- (3) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
- (4) Emergency residential, facility provided that not more than fifteen (15) persons are served
- (5) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- (6) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- b. Commercial uses.
 - (1) Day care center: commercial provided that is an accessory use to a religious institution, primary or secondary school, or the common facilities of the manufactured home community and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Religious institution
 - (3) School: primary or secondary
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, provided that it is located on a parcel for which the principal use is a government or community service use, a religious institution, a primary or secondary school, or the common facilities of a manufactured home community, and pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as the principal use

~~(3)~~(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.

3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the MHC Manufactured Home Community District, pursuant to all applicable specific use standards.

- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Required area for a manufactured home community.** A manufactured home community shall have a minimum area of ten (10) acres.

2. **Lot requirements for manufactured homes.**
 - a. Minimum lot width. Thirty-two (32) feet.
 - b. Minimum lot length. Seventy-five (75) feet.
 3. **Required setbacks at the periphery of a manufactured home community.** All principal and accessory buildings shall be set back a minimum of twenty-five (25) feet from parcel or lot lines at the periphery of a manufactured home community.
 4. **Required setbacks internal to the manufactured home community.**
 - a. Minimum principal and accessory building setback from all internal street right-of-ways. Ten (10) feet.
 - b. Minimum distance between all principal buildings. Twenty (20) feet.
 - c. Minimum distance between an accessory building and a principal building. Six (6) feet.
 - d. Minimum accessory building setback from an interior parcel line. Three (3) feet.
 5. **Maximum allowable principal building height.** No principal building shall exceed one (1) story, nor twenty-five (25) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#).
 6. **Height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
 7. **Maximum building coverage of a manufactured home lot.**
 - a. Manufactured home. Thirty-five (35) percent.
 - b. Manufactured home and accessory buildings combined. Fifty (50) percent.
- D. Special Requirements**
1. **Manufactured home community created after January 1, 1996.** A manufactured home community created after January 1, 1996 (or the addition of new lots to an existing manufactured home community) shall be approved through the planned unit development (PUD) process, pursuant to [Section 4.55: PUD Planned Unit Development Overlay District](#).
 2. **Licensing, inspection, enforcement, and special design standards.** Licensing, inspection, enforcement, and special design standards of a manufactured home community shall be pursuant to [Section 5.1, G.: Mobile Homes and Mobile/Manufactured Home Communities](#).

Sustainability Tip.

Mixed use districts allow residents the opportunity to live, work, shop, and recreate within walking distance of each other.

Section 4.8 MRC Mixed Residential/Commercial District

A. Intent

The MRC Mixed Residential/Commercial District encompasses areas that have predominantly existing residential uses, but that may also have existing commercial and/or industrial uses, some of which may be incompatible with residential uses and/or the vision for the area as expressed in the City's Comprehensive Plan. The intent of the district is as follows:

1. Encourage the preservation and enhancement of existing residential uses in the district;

2. Encourage a sensitive mixture and integration of new residential uses in the district, including single and two-family dwellings, single-family attached dwellings, and multi-family dwellings;
3. Allow the preservation and enhancement of existing commercial uses that are compatible with the predominantly residential character of the area and the vision for the area as expressed in the City's Comprehensive Plan;
4. Encourage existing commercial and industrial uses that are incompatible with residential uses and/or the vision of the area, as expressed in the Comprehensive Plan, to relocate to other appropriate districts in the city;
5. Encourage redevelopment of sites that have existing incompatible uses by providing flexibility to redevelop those sites with mixed residential uses, compatible commercial uses, and potentially compatible light industrial uses;
6. Encourage redevelopment in the district to occur through the planned unit development (PUD) process at a neighborhood or block scale. If the City of Ashland has adopted a plan for an area in the MRC District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

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.

~~(6)(7)~~ [Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory](#)

- b. Commercial uses.

- (1) Any commercial 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.

- c. Public, institutional, and civic uses.

- (1) Public park

- d. Utility and communication uses. Section 4.8: MRC Mixed Residential/Commercial District

- (1) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary and seasonal uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) 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 the permitted uses in this district.
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)(1) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory~~
 - ~~(6)(5)~~ Dwelling combined with a conditional use
 - ~~(7)(6)~~ Dwelling: single-family attached, three to six units per building
 - ~~(8)(7)~~ Dwelling: multi-family, three (3) or more dwelling units
 - ~~(9)(8)~~ Emergency residential facility, provided that not more than fifteen (15) persons are served
 - ~~(10)(9)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - ~~(11)(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
 - ~~(12)(11)~~ Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)

~~(13)~~(12) Community-based Residential Facilityb. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
- (2) Artist studio
- (3) Assembly hall
- (4) Bank or financial institution
- (5) Business service
- (6) Car wash
- (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (8) Dry cleaning and laundry drop off and pick up, but excluding processing
- (9) Filling station with or without a convenience store
- (10) Funeral home
- (11) Garden supply or landscaping center
- (12) Household maintenance and repair establishment
- (13) Laundromat
- (14) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (15) Lodging establishment, short stay or extended stay
- (16) Office
- (17) Personal service
- (18) Recreation facility: commercial indoor or outdoor
- (19) Restaurant: carry-out, fast food, drive-in, or sit-down
- (20) Retail establishment: convenience
- (21) Retail establishment: general
- (22) Social services
- (23) Tavern
- (24) Theater
- (25) Tool and equipment rental facility
- (26) Vehicle repair and service
- (27) Veterinary clinic: small animal

c. Industrial uses.

- (1) Contractor's yard, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section

- (2) Freight terminal, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (3) Manufacturing: heavy, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (4) Manufacturing: light, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) or provided that the use is replacing a more intense existing use, and pursuant to the special requirements of this section
 - (5) Public works yard, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (6) Research and development use, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) or provided that the use is replacing a more intense existing use, and pursuant to the special requirements of this section.
- d. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - (4) Nursing home
 - (5) Religious institution
 - (6) School: primary or secondary, or specialty or personal instruction
- e. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Outdoor wood-fired furnace associated with a single-family detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
 - (4) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (5) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
- f. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
- (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
- (3) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- g. Other uses.
 - ~~(1) — Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Drive-through window associated with a permitted or conditional use
 - ~~(3)(2)~~ Parking lot as a principal use
 - ~~(4)(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the MRC Mixed Residential/Commercial District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)

- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent. Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be identical to the dimensional requirements of the zoning district in this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a single-family detached dwelling shall meet the dimensional requirements for a single-family detached dwelling in the R-1 Single Family Residential District; the dimensional requirements for a high density residential use shall meet the dimensional requirements for a high density residential use in the R-4 High Density Residential District; and the dimensional requirements for a commercial uses shall meet the dimensional requirements for a commercial use in the NC Neighborhood Convenience District.
2. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the MRC Mixed Residential/Commercial District abuts a less intense existing use (as determined by the Zoning Administrator or Designated Authorized Agent of the City), the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).

D. Special Requirements for Commercial and Industrial Uses

1. **Standards for commercial and industrial uses.**
 - a. Standards for commercial uses in the district. The Common Council of the City of Ashland recognizes that a variety of commercial uses exist in the MRC District. Standards for continuation and/or expansion of commercial uses in the district are as follows:
 - (1) Existing commercial uses (listed as conditional uses in the district) shall be allowed to continue (and potentially expand) in a manner that is compatible with adjacent residential uses.
 - (2) Commercial uses shall not replace existing residential uses, except in unique situations, the Common Council may find that it is in the best interest of the overall community to allow this to occur,

Helpful Note.

Applicants considering development in the MRC District should contact the Zoning Administrator early in the process to learn which dimensional requirements apply to the proposed development.

especially along arterial roads where the dominant existing land use relates to commercial uses.

- (3) Commercial uses shall serve the local and neighborhood population; however, commercial uses adjacent to US Highway 2 may also serve the needs of the traveling public. Commercial uses over twenty thousand (20,000) square feet shall be directed to the RC Regional Commercial District.
 - (4) To the extent possible, commercial uses shall be integrated with each other to allow for shared parking and enhanced vehicular and pedestrian access.
 - (5) Commercial uses shall be limited to arterial and collector streets.
- b. Standards for industrial uses in the district. The Common Council of the City of Ashland recognizes that a variety of industrial uses exist in the MRC District, especially along arterial and collector streets. Standards for continuation and/or expansion of industrial uses in the district are as follows:
- (1) Existing contractor yards, freight terminals, heavy manufacturing, public work yards, and similar industrial uses are encouraged to relocate to an appropriate industrial district in the city. However, these uses shall be allowed to continue on the parcels on which they exist. Expansion and/or renovation of the uses may be considered pursuant to the conditional use procedures of this Ordinance, with special consideration given to the impact of the uses on the neighborhood and the overarching vision of the City as expressed in the Comprehensive Plan.
 - (2) New industrial uses in the district are not anticipated. However, in unique situations the Common Council may find that it is in the best interest of the neighborhood and the overall community to allow the replacement of existing, more intense industrial uses with appropriate light manufacturing or research and development uses.
 - (3) Where feasible, appropriate industrial uses in the district shall be clustered and have appropriate screening to reduce possible adverse impacts on the neighborhood and to promote possible synergy between industrial uses.
 - (4) Industrial uses shall be limited to arterial or collector streets, or to areas where there is a distinct cluster of appropriate industrial uses.

2. **Decision criteria and potential conditions of approval.**

- a. Decision criteria. Required approvals associated with commercial and industrial uses in the MRC District shall meet the intent of this district and shall be consistent with all of the conditional use requirements specified in [Section 3.9: Conditional Use Permit](#). Approval or denial of a conditional use permit shall place special emphasis on how the use addresses neighborhood compatibility and protection issues.
- b. Possible conditions of approval. The Common Council may attach appropriate conditions to any approvals associated with a conditional use in the district. Conditions may include, but are not limited to, the following:
 - (1) Limited hours of operation;
 - (2) Limited number, types, and hours of deliveries;
 - (3) Limited or no outdoor storage;

- (4) Limited or no drive through window;
 - (5) Special building and site design standards that ensure compatibility with the neighborhood; and/or
 - (6) Increased screening and/or buffers.
3. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
 4. **Gateway Overlay District requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.9 PRI Planned Residential/Institutional District

A. Intent

The PRI Planned Residential/Institutional District encompasses areas near major institutions in Ashland, including Northland College, Wisconsin Indianhead Technical College, and Memorial Medical Center. Existing uses in the district may include agriculture, open space, and relatively scattered single-family detached dwellings and commercial uses. The intent of the district is as follows:

1. Promote development and/or redevelopment of the district based on traditional neighborhood design principles as described in [Section 4.57: Traditional Neighborhood Design Overlay District](#). Where applicable, development and/or redevelopment shall be consistent with the goals, objectives, and policies of the Binsfield Road/Ellis Avenue Neighborhood Plan described in the City's Comprehensive Plan and/or other subsequent and related plans approved by the City;
2. Encourage development and redevelopment in the district to occur through the planned unit development (PUD) process at a neighborhood or block scale;
3. Promote a mix of residential uses that provide a variety of residential styles, types, and sizes to accommodate households of various ages, sizes, and incomes;
4. Encourage the development and/or redevelopment of public, civic, and institutional uses that will have a synergistic relationship with existing nearby institutions. Examples of such uses may include, but are not limited to, the following: government offices, research institutions, not-for-profit organizations, schools, parks, religious institutions, residential care facilities, clinics, and similar uses;
5. Allow for the development and/or redevelopment of "green" or light industrial uses that have a synergistic relationship with existing nearby institutions. These uses shall not create excessive pollution, congestion, noise, or other adverse conditions that are inconsistent with the mixed-use character of the district. Examples of acceptable uses may include, but are not limited to, the following: light industries that develop and produce sustainable building products, medical industries, research and development uses, and clean, high-tech industries. Where feasible, it is the intent of this district to encourage the clustering of light industries in the district to enhance the environmental, social, and economic performance of individual industries through collaboration with other industries and institutions in the district;

Sustainability Tip.

The PRI District provides a unique opportunity to create a development that incorporates principles of sustainability. Refer to the Comprehensive Plan for additional information on this area.

6. Encourage the limited development of neighborhood convenience uses that provide the district with convenient, pedestrian access to commercial uses that serve the frequent commercial needs of the local area. Direct large-scale commercial development to the RC Regional Commercial District;
7. Incorporate a transportation system that offers public transit opportunities and multiple routes for motorists, bicyclists, and pedestrians;
8. Protect and enhance significant natural features in the district, including, but not limited to, the Bay City Creek Corridor, wetlands, and woodlands.

B. Uses

1. **Uses that are not part of an approved planned unit development (PUD).**
 - a. Uses in existence prior to the adoption of this ordinance. Any 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.
 - b. New residential development in established residential neighborhoods. A single-family detached dwelling shall be a permitted use in established residential neighborhoods (as determined by the Zoning Administrator or Designated Authorized Agent), provided that the dwelling is served by public sanitary sewer and water. Single-family dwellings in established residential neighborhoods shall be consistent with the provisions of the R-1 Single-Family Residential District.
 - c. Other uses. All uses that are not part of an approved planned unit development, were not in existence prior to the adoption of this ordinance, and are not a single-family detached dwelling served by public sanitary sewer and water, shall be consistent with the FD Future Development District provisions of this Ordinance, except that all permitted uses in the FD District shall be conditional uses in the PRI District. The Zoning Administrator or Designated Authorized Agent of the City shall have the option of waiving the requirement for conditional use permit approval for minor or accessory uses that do not have a major impact on the district, including fences, signs, minor renovations, and similar uses.
2. **Uses that are part of an approved planned unit development (PUD).** Uses that are part of a planned unit development (PUD) in the PRI District shall be established in the planned unit development (PUD) ordinance. The uses shall relate to the intent of this district and (where applicable) the goals, objectives, and policies, of the Binsfield Road/Ellis Avenue Neighborhood Plan described in the City's Comprehensive Plan and/or other subsequent plans approved by the City.

C. Dimensional Requirements

1. **Basic dimensional requirements for permitted, conditional, and accessory uses that are not part of an approved planned unit development (PUD).** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be identical to the dimensional requirements of the FD Future Development District.

2. **Basic dimensional requirements for permitted, conditional, and accessory uses that are part of an approved planned unit development (PUD).** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be established in an approved planned unit development (PUD) ordinance and shall be consistent with generally accepted traditional neighborhood design principles.

D. Special Requirements

1. **Planned unit development (PUD) area requirement.** The minimum area for a planned unit development in the PRI District is twenty (20) acres. However, the Common Council can waive this requirement if it finds that the PUD encompasses a clearly defined area that will not preclude logical development of adjacent properties in a manner consistent with the intent of this section.
2. **Planned unit development (PUD) procedures and approval.** A planned unit development (PUD) in the PRI District shall follow the procedures and approval requirements specified in [Section 4.55: PUD Planned Unit Development Overlay](#), except as modified in this section. Approval or denial of a planned unit development (PUD) application shall clearly state how the planned unit development (PUD) application meets or fails to meet the intent of the PRI District.

Sustainability Tip.

The NC District allows convenient and pedestrian oriented access to local businesses that help meet the needs of the surrounding neighborhood. This helps promote economic development while reducing the need for automobile transportation.

Section 4.10 – 4.14 (Reserved for potential additional residential districts.)

Predominantly Commercial Districts

Sections 4.15. – 4.19. describe the zoning districts in the City of Ashland that are predominantly commercial. However, these districts may also allow for a mixture of other uses including residential, industrial, and public institutional uses. Likewise commercial uses may also be allowed in other zoning districts that are predominantly residential or industrial.

Section 4.15 NC Neighborhood Convenience District

A. Intent

The intent of the NC Neighborhood Convenience District is to provide areas of neighborhood convenience retail sales and services that serve the local or neighborhood population, rather than the regional population. Uses in this district are intended to be compatible with the surrounding residential neighborhood. Neighborhood convenience uses may also occur within other pertinent districts in Ashland, including, but not limited to, the MRC Mixed Residential/Commercial, the PRI Planned Residential/Institutional Districts, and the W-MRC Waterfront Mixed Residential/Commercial District.

B. Uses

1. **Permitted uses.** The following uses are permitted in the NC Neighborhood Convenience District pursuant to all specific use standards.

a. Residential uses.

Dwelling, provided that the dwelling is combined with a permitted or conditional use

b. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
- (2) Artist studio
- (3) Bank or financial institution
- (4) 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
- (5) Business service
- (6) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (7) Dry cleaning and laundry, drop off and pick up, but excluding processing
- (8) Household maintenance and repair establishment
- (9) Laundromat
- (10) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (11) Office
- (12) Personal service
- (13) Retail: convenience or general, not to exceed two thousand five hundred (2,500) square feet
- (14) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed

c. Public, civic, and institutional uses.

- (1) Clinic
- (2) Club or association
- (3) Government or community service use
- (4) Public park
- (5) Religious institution
- (6) School: primary, secondary, specialty, or personal instruction

d. Utility and communication uses.

- (1) Essential services

e. Agriculture, forestry, and open space uses.

- (1) Open space: public or private

f. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) 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.
- 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.
- a. Residential uses
 - (1) Adult family home pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or rooming house
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that fifteen (15) or fewer persons are served by the facility
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Emergency residential shelter, 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 facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - b. Commercial uses.
 - (1) Assembly hall
 - (2) Car wash
 - (3) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (4) Filling station with or without a retail convenience use
 - (5) Funeral home
 - (6) Garden supply or landscaping center
 - (7) Lodging establishment: short stay or extended stay
 - (8) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)

- (9) Recreation facility: commercial indoor or outdoor
 - (10) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (11) Restaurant: carry-out or fast food, drive-in, or sit-down
 - (12) Retail: convenience or general, exceeding two thousand five hundred (2,500) square feet
 - (13) Social Services, pursuant to [Section 5.2 F.: Social Services](#)
 - (14) Theater
 - (15) Tool and equipment rental facility
 - (16) Vehicle repair and/or service
 - c. Public, civic, and institutional uses.
 - (1) Nursing home
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - ~~(1) — Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use.
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the NC Neighborhood Convenience District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. Parcel requirements. The minimum parcel requirements in the NC Neighborhood Convenience District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels.](#)
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) square feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.

2. Setback requirements for principal building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Ten (10) feet.
 - b. Minimum principal building setback from corner street side parcel line. Ten (10) feet.
 - c. Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - d. Minimum principal building setback from rear parcel line. Twenty-five (25) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
7. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the NC Neighborhood Convenience District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

Section 4.16 RC Regional Commercial District

A. Intent

The intent of the RC Regional Commercial District is to provide areas for commercial uses along major streets and highways in the city for the convenience of travelers, tourists, and the residents of Ashland. The district is intended to provide for a full range of commercial uses to be located on sites with immediate access to arterial or collector streets. It is also the intent of the district to allow the continuation of existing residential uses in the district, while allowing the sensitive conversion of residential parcels to appropriate commercial uses that can benefit from the district's proximity to arterial or collector streets. Commercial uses in the RC District are not intended to weaken the commercial vitality of the CC City Center District. It is also the intent of the RC Regional Commercial District to conditionally allow the continuation of existing industrial uses in the district, while encouraging the industrial uses to relocate to an appropriate industrial district in the city.

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
 - ~~(2)~~(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

- b. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution
 - (5) Business service
 - (6) Car wash
 - (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (8) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (9) Funeral home
 - (10) Garden supply or landscaping center
 - (11) Home improvement center
 - (12) Household maintenance and repair establishment
 - (13) Laundromat
 - (14) Lodging establishment: short stay
 - (15) Lodging establishment: extended stay
 - (16) Office
 - (17) Personal service
 - (18) Recreation facility: commercial indoor
 - (19) Recreation facility: commercial outdoor
 - (20) Restaurant: carry-out, fast food, or sit-down.
 - (21) Retail: convenience
 - (22) Retail: general
 - (23) Tavern
 - (24) Theater
 - (25) Tool and equipment rental facility
 - (26) Vehicle repair and/or service
 - (27) Vehicle sales and/or rental
 - (28) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Clubs and associations
 - (3) Government or community service use

- (4) Museum
 - (5) Public park
 - (6) Religious institution
 - (7) School: primary or secondary, specialty or personal instruction
 - d. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - (3) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) Drive-through window associated with a permitted or conditional use
 - (2) 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.
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)(1) 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~~
 - ~~(8)(7)~~ Emergency residential facility

~~(9)~~~~(8)~~ Home occupation, if the use exceeds the pertinent standards specified in *Section 5.1, F.: Home Occupation*

~~(10)~~~~(9)~~ Rehabilitation center/transitional living facility, pursuant to *Section 5.1, J.: Rehabilitation Center/Transitional Living Facility*

~~(11)~~~~(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

b. Commercial uses.

- (1) Adult entertainment establishment, pursuant to *Section 5.2, A.: Adult Entertainment Establishment*
- (2) Adult retail establishment
- (3) Agricultural services
- (4) Animal boarding, animal training, or animal grooming, with an outdoor kennel and/or outdoor run
- (5) Currency exchange, payday loan establishment, or title loan agency, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
- (6) Dry cleaning and/or laundry: onsite processing
- (7) Filling station
- (8) Freight terminal: local
- (9) Manufactured home dealer, sales and display, pursuant to *Section 5.2, E.: Manufactured Home Dealer, Sales and Display*
- (10) Pawn shop, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
- (11) Rent-to-own establishment, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
- (12) Social services, pursuant to *Section 5.2, F.: Social Services*
- (13) Veterinary clinic: large animal
- (14) Warehouse: self-storage

c. Industrial uses.

- (1) Any industrial use (as determined by the Zoning Administrator or Designated Authorized Agent of the City) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming use at that time) shall be a conditional use on the subject parcel provided that the use has not lapsed for more than twelve (12) consecutive months

d. Public, civic, and institutional uses.

- (1) Nursing home

- e. Agricultural uses.
 - (1) Agricultural services
 - f. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - g. Temporary, seasonal, or land filling/excavation uses.
 - h. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
- 3. Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the RC Regional Commercial District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)

- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the RC Regional Commercial District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. **Minimum parcel area.** Twenty thousand (20,000) square feet.
 - b. **Minimum parcel width.** One hundred fifty (150) square feet.
 - c. **Exceptions to parcel requirements.** Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. **Minimum principal building setback from front parcel line.** Thirty (30) feet.
 - b. **Minimum principal building setback from corner street side parcel line.** Thirty (30) feet.
 - c. **Minimum principal building setback from interior side parcel line.** Fifteen (15) feet.
 - d. **Minimum principal building setback from rear parcel line.** Thirty (30) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
7. **Buffer requirement between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the RC Regional Commercial District abuts a

less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. **Gateway Overlay District requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the gateway overlay requirements specified in [Section 4.47 GTWY-O Gateway Overlay District](#).
2. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).

Section 4.17 CC City Center District

A. Intent

The intent of the CC City Center District is to encourage and foster the further development and enhancement of the downtown (city center) area. The district requirements recognize the unique characteristics of the city center area as the heart of the city. The city center provides a mix of traditional downtown uses that are consistent with the vision for the area as expressed in the Comprehensive Plan, including retail, entertainment, offices, services, government facilities, and a mixture of residential uses. However, the district also includes a variety of industrial uses, some of which may not be compatible with the City's vision for the district. Should an existing industrial use in this district cease to exist, it is the intent of this district to encourage the parcel to transition to a use consistent with the vision of the area as expressed in the Comprehensive Plan.

B. Uses

1. **Permitted uses.** The following are permitted uses in the CC City Center District.
 - 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
 - ~~(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
 - b. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution
 - (5) Business service
 - (6) Conference center
 - (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)

(8) Dry cleaning and laundry, drop off and pickup ~~Section 4.16b Regional Commercial District~~

- (9) Funeral home
- (10) Household maintenance and repair establishment
- (11) Laundromat
- (12) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (13) Office
- (14) Personal service
- (15) Recreation facility: commercial indoor
- (16) Restaurant: carry-out, fast food, or sit-down
- (17) Retail: convenience or general
- (18) Tavern
- (19) Theater
- (20) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - (4) Museum
 - (5) Public park
 - (6) School: primary, secondary, or specialty or personal instruction
 - (7) Religious institution
- d. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
- e. Open space uses.
 - (1) Open space: public or private
- f. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) 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 the permitted uses in this district.

2. **Conditional uses.** The following are conditional uses in the CC City Center 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 a maximum of fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - ~~(5)(1) 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~~
 - ~~(6)(5) Dwelling combined with conditional use~~
 - ~~(7)(6) Dwelling: multi-family, three (3) or more units per building~~
 - ~~(8)(7) Dwelling: single-family attached, no more than six (6) units per building~~
 - ~~(9)(8) Dwelling: single-family detached~~
 - ~~(10)(9) Dwelling: two-family or duplex~~
 - ~~(11)(10) Emergency residential facility~~
 - ~~(12)(11) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)~~
 - ~~(13)(12) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)~~
 - ~~(14)(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~~
- b. Commercial uses.
- (1) Adult retail establishment
 - (2) Car wash
 - (3) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (4) Filling station
 - (5) Freight terminal: local
 - (6) Garden supply and landscaping center
 - (7) Home improvement center

- (8) Lodging establishment: short stay or extended stay
 - (9) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (10) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (11) Restaurant: drive-in
 - (12) Recreation facility: commercial outdoor
 - (13) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (14) Tool and equipment rental facility
 - (15) Vehicle repair and/or service
 - (16) Vehicle sales and/or rental
 - (17) Warehouse: self-storage, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive
- c. Industrial uses.
- (1) Any industrial use (as determined by the Zoning Administrator or Designated Authorized Agent of the City) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming use at that time) shall be a conditional use on the subject parcel provided that the use has not lapsed for more than twelve (12) consecutive months since the date of the adoption of this ordinance.
- d. Public, civic, and institutional uses.
- (1) Nursing home
- e. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- f. Temporary, seasonal, or land filling/excavation uses.
- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)

g. Other uses.

~~(1) — Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~

~~(2)~~(1) Drive-through window associated with a permitted or conditional use

~~(3)~~(2) Parking lot as a principal use

~~(4)~~(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.

3. Accessory uses. The following are permitted as an accessory use to a permitted or conditional use in the CC City Center District, pursuant to all applicable specific use standards.

- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#).
- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator.

- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the CC City Center District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Three thousand five hundred (3,500) square feet.
 - b. Minimum parcel area for properties located in the GTWY-O Gateway Overlay District. Twenty thousand (20,000) square feet, except that a smaller parcel area may be allowed with the approval of a conditional use permit.
 - c. Minimum parcel width. Twenty-five (25) feet.
 - d. Minimum parcel width for properties located in the GTWY-O Gateway Overlay District. One-hundred forty (140) feet, except that a smaller parcel width may be allowed with approval of a conditional use permit.
2. **Setback requirements of a principal building from all parcel lines.** None, except that all parcels in the GTWY-O Gateway Overlay District shall meet the requirements specified in Section 4.47: GTWY-O Gateway Overlay District. Setbacks may be reduced with the approval of a conditional use permit.
3. **Maximum parcel coverage.** One hundred (100) percent, except that all parcels in the GTWY-O Gateway Overlay District shall meet the following:
 - a. Maximum building coverage of the parcel. Fifty percent (50%).
 - b. Maximum impervious coverage. Seventy percent (70%), except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
4. **Maximum height of principal building.** The maximum height of a principal building as measured pursuant to [Section 6.1, C.: Building Height](#) shall be forty-five (45) feet, except that parcels in the GTWY-O Gateway Overlay District shall be thirty-five (35) feet. A principal building may be allowed to exceed the height requirement with the approval of a conditional use permit.
5. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings in the district shall be as specified in [Section 5.6, A.: Accessory Building](#).
6. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the CC City Center District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. **Standards for industrial uses in the district.** The Common Council of the City of Ashland recognizes that a variety of industrial uses exist in the CC District. Standards for continuation and/or expansion of industrial uses in the district are as follows:
 - a. Existing industrial uses shall be allowed to continue on the parcels on which they exist. Expansion or improvements to existing industrial uses may be considered pursuant to the conditional use procedures of this Ordinance, with special

consideration given to the impact of the uses on the neighborhood and the overarching vision of the City as expressed in the Comprehensive Plan.

- b. New industrial uses in the district are not anticipated. However, in unique situations the Common Council may find that it is in the best interest of the neighborhood and the overall community to allow the replacement of existing, more intense industrial uses, with appropriate light manufacturing, research and development, or similar industrial uses, that have less of an adverse impact on the surrounding area.
2. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#).
3. **Gateway Overlay District requirements.** Parcels within the Gateway Overlay District shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Sections 4.18 – 4.19 (Reserved for potential additional commercial districts.)

Predominantly Industrial Districts

Sections 4.20 – 4.24 describe the zoning districts in the City of Ashland that are predominantly industrial. However, these districts may also allow for a mixture of other uses including residential, commercial, and public institutional uses. Likewise industrial uses may also be allowed in other zoning districts that are predominantly commercial.

Section 4.20 MCI Mixed Commercial/Industrial District

A. Intent

The MCI Mixed Commercial/Industrial District encompasses an area that has been historically industrial, but is currently composed of a mixture of commercial and industrial uses. The intent of this district is to allow continued use of commercial and industrial uses in the district in a manner that is compatible with surrounding residential uses.

B. Uses

1. **Permitted uses.** The following uses are permitted in the MCI Mixed Commercial/Industrial District pursuant to all applicable specific use standards.
 - a. Commercial uses.
 - (1) Artist studio
 - (2) Assembly hall
 - (3) Bank or financial institution
 - (4) Business service
 - (5) Car wash
 - (6) Dry cleaning and laundry drop off and pick up, but excluding processing
 - (7) Freight terminal: local
 - (8) Filling station with or without a convenience store
 - (9) Household maintenance and repair establishment
 - (10) Laundromat

- (11) Office
 - (12) Personal service
 - (13) Recreation facility: commercial indoor or outdoor
 - (14) Restaurant: carry-out, fast food, drive-in, or sit down
 - (15) Retail establishment: convenience or general
 - (16) Theater
 - (17) Tool and equipment rental facility
 - (18) Vehicle repair and service
 - (19) Veterinary clinic: small animal
 - b. Industrial uses.
 - (1) Contractor's shop
 - (2) Dry cleaning and/or laundry: onsite commercial processing
 - (3) Manufacturing: light
 - (4) Public works yard
 - (5) Research and development
 - c. Public, institutional, and civic uses.
 - (1) Public park
 - d. Utility and communication uses.
 - (1) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - g. Other uses.
 - (1) 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 the permitted uses in this district.
2. **Conditional 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.
- a. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, with an outdoor kennel and/or outdoor run

- (2) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (3) Vehicle sales and/or rental
 - b. Industrial uses.
 - (1) Composting facility: community or indoor pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (2) Contractor's yard
 - (3) Freight terminal: commercial
 - (4) Power generation plant
 - (5) Recycling facility: community, pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - (6) Warehouse: general
 - (7) Wholesale and distribution center
 - c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
3. **Accessory uses.** The following uses are allowed as an accessory use to a permitted or conditional use in the MCI Mixed Commercial/Industrial District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)

- (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (4) Fence, pursuant to [Section 6.5: Fences](#)
- (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (9) Signs, pursuant to [Section 6.6: Signs](#)
- (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (11) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (12) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (13) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels.](#)
 - a. Minimum parcel area. One-half (1/2) acre.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public park, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this Section.
2. **Setback requirements for principal buildings.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks.](#)
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building.](#)
4. **Maximum building height.**

- a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) feet may be allowed pursuant to the approval of a conditional use permit.
- b. Accessory building. The height of an accessory building shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** Fifty (50) percent.
- 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
- 7. **Buffer requirement between different uses.** Wherever a more intense proposed use (or an expansion of a more intense existing use) in the MCI Mixed Commercial/Industrial District abuts a less intense existing use (as determined by the Zoning Administrator or Designated Authorized Agent), the more intense use shall provide a buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

- 1. **Gateway overlay district requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.21 LI Light Industrial District

A. Intent

The intent of the LI Light Industrial District is to provide an area for storage, warehousing, wholesaling, light manufacturing, and similar uses that do not create excessive pollution, congestion, noise, or other adverse conditions that are inconsistent with the surrounding area. Properties in the LI Light Industrial District can serve as a transitional land use between the more intensive heavy industrial sites and other residential and business uses. It is also the intent of this district to allow existing uses, including residential and agricultural uses, to continue in the district until they can logically and sensitively transition to an industrial use.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the LI Light Industrial District pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Dwelling: single-family detached, provided that the dwelling 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 the adoption of this ordinance
 - b. Commercial uses.
 - (1) Freight terminal: local
 - (2) Tool and equipment rental facility
 - (3) Vehicle repair and/or service
 - (4) Warehouse: self-storage

- c. Industrial uses.
 - (1) Contractor's shop
 - (2) Dry cleaning and/or laundry: onsite commercial processing
 - (3) Manufacturing: light
 - (4) Public works yard
 - (5) Research and development
 - (6) Warehouse: general
 - (7) Wholesale and distribution center
 - d. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - e. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - f. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross area of five (5) acres or more
 - (2) Agricultural research facility
 - (3) Agricultural services
 - (4) Forestry, provided that the subject parcel has a gross area of five (5) acres or more
 - (5) Open space: private or public
 - g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - h. Other uses.
 - (1) 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 permitted uses in this district
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.
- a. Residential uses.
 - (1) Bed and breakfast establishment associated with a permitted dwelling, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)

- (2) Dwelling that serves as a caretaker's residence for a permitted or conditional use
 - (3) Home occupation associated with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- b. Commercial uses.
 - (1) Adult entertainment establishment, pursuant to [Section 5.2, A.: Adult Entertainment Establishment](#)
 - (2) Animal boarding, animal grooming, or animal training, with or without outdoor kennels and/or outdoor runs
 - (3) Artist studio
 - (4) Business service
 - (5) Car or truck wash
 - (6) Day care center: commercial, provided that it is an accessory use to a permitted or conditional use and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (7) Garden supply or landscaping center
 - (8) Home improvement center
 - (9) Household maintenance and repair establishment
 - (10) Manufactured home dealer, sales and display, pursuant to [Section 5.2, E.: Manufactured Home Dealer, Sales and Display](#)
 - (11) Office as a principal use
 - (12) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (13) Recreation facility: commercial indoor or outdoor
 - (14) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (15) Retail: convenience or general as a principal use
 - (16) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (17) Vehicle sales and/or rental
 - (18) Veterinary clinic: large or small animal, with or without outdoor kennels or runs
- c. Industrial uses.
 - (1) Composting facility: community or indoor, pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (2) Contractor's yard
 - (3) Freight terminal: commercial

- (4) Power generation plant
 - (5) Recycling facility pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - d. Public, civic, and institutional uses.
 - (1) School, specialty or special instruction
 - e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - f. Temporary, seasonal, or land filling/excavation uses.
 - g. Other uses.
 - ~~(1) — Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Parking lot as a principal use
 - ~~(3)(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the LI Light Industrial District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, and donkeys, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fence, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)

- (11) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (12) Office, provided that it is accessory to a permitted or conditional use.
- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Signs, pursuant to [Section 6.6: Signs](#)
- (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent
- (23) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre
 - b. Minimum parcel width. One hundred (100) feet
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.

- d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
- 3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#).
- 4. **Maximum building height.**
 - a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) feet may be allowed pursuant to the approval of a conditional use permit.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
- 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

Section 4.22 HI Heavy Industrial District

A. Intent

The intent of the HI Heavy Industrial District is to provide areas in the City for intense industrial uses. The HI District is intended to be separated from residential development and it is intended to be limited to areas where adequate transportation and pertinent utilities and services exist. It is also the intent of this district to allow existing uses, including residential and agricultural uses, to continue in the district until they can logically and sensitively transition to an industrial use.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the HI Heavy Industrial District pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Dwelling: single-family detached, provided that the dwelling 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 the adoption of this ordinance
 - b. Commercial uses.
 - (1) Freight terminal: local
 - (2) Tool and equipment rental facility
 - (3) Vehicle repair and/or service
 - (4) Warehouse: self-storage
 - c. Industrial uses.
 - (1) Contractor's shop
 - (2) Contractor's yard
 - (3) Dry cleaning and/or laundry: onsite commercial processing

- (4) Freight terminal: commercial
 - (5) Manufacturing: light
 - (6) Manufacturing: heavy
 - (7) Public works yard
 - (8) Research and development
 - (9) Warehouse: general
 - (10) Warehouse: self-storage
 - (11) Wholesale and distribution center
 - d. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - e. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - f. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross area of five (5) acres or more
 - (2) Agricultural research facility
 - (3) Forestry, provided that the subject parcel has a gross area of five (5) acres or more
 - (4) Agricultural services
 - (5) Open space: private or public
 - g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - h. Other uses.
 - (1) 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 permitted uses in this district
2. **Conditional uses.** The following conditional uses are allowed in the HI Heavy 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.
- a. Residential uses.
 - (1) Bed and breakfast associated with a permitted dwelling, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)

- (2) Dwelling that serves as a caretaker's residence for a permitted or conditional use
- (3) Home occupation permitted with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- b. Commercial uses.
 - (1) Adult entertainment establishment, pursuant to [Section 5.2, A.: Adult Entertainment Establishment](#)
 - (2) Animal boarding, animal grooming, or animal training, with or without outdoor kennels and/or outdoor runs
 - (3) Artist studio
 - (4) Business service
 - (5) Car or truck wash
 - (6) Day care center: commercial, provided that it is an accessory use to a permitted or conditional use and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (7) Garden supply or landscaping center
 - (8) Home improvement center
 - (9) Household maintenance and repair establishment
 - (10) Manufactured home dealer, sales and display, pursuant to [Section 5.2, E.: Manufactured Home Dealer, Sales and Display](#)
 - (11) Office as a principal use
 - (12) Recreation facility: commercial indoor or outdoor
 - (13) Vehicle sales and/or rental
 - (14) Veterinary clinic: large or small animal, with or without outdoor kennels or runs
- c. Industrial uses.
 - (1) Batch plant: concrete or asphalt
 - (2) Composting facility: community or indoor, pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (3) Grain elevator
 - (4) Landfill: construction debris
 - (5) Mined materials: processing and/or recycling
 - (6) Power generation plant
 - (7) Recycling facility, pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - (8) Salvage operation: indoor and/or outdoor
- d. Public, civic, and institutional uses.

- (1) School, specialty or special instruction
 - e. Utility and communication uses.
 - (1) Communication equipment: major pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Mining, consistent with [Chapter NR 135 of the Wisconsin Administrative Code](#) and all other applicable regulations
 - g. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the HI Heavy Industrial District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#).
 - (2) Animals: keeping domestic animals, provided that the animals are accessory to a permitted residential use, and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, and donkeys provided that the animals are accessory to a permitted residential use, and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fences, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (11) Landscaping and/or gardening
 - (12) Office, accessory to a permitted or conditional use.

- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Solar equipment
- (18) Swimming pool for private recreation use, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (21) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (22) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Two (2) acres
 - b. Minimum parcel width. One hundred (100) feet
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback Requirements.** Setback requirements shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Fifty (50) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#).
4. **Maximum building height.**

- a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) may be allowed pursuant to the approval of a conditional use permit.
- b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
- 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
- D. **Special Requirements for Parcels in the Ashland Industrial Park**

Those parcels zoned HI Heavy Industrial District in the Ashland Industrial Park shall comply with the provisions of [Section 5.3, A.: Ashland Industrial Park](#) and City of Ashland [Ordinance 469](#).

Sections 4.23 – 4.24 (Reserved for potential additional industrial districts.)

Waterfront Districts

Sections 4.25 – 4.34 describe the waterfront zoning districts. The waterfront zoning districts promote a variety of uses that are intended to have a strong relationship with the waterfront.

Section 4.25 W-SFR Waterfront Single-Family Residential District

A. Intent

The intent of the W-SFR Waterfront Single-Family Residential District is to recognize existing single-family dwellings within the waterfront area and to permit redevelopment and continued use of the dwellings in a manner that enhances their relationship with the waterfront.

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
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.

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- e. Temporary or seasonal uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) 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 permitted uses in this district.
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: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory~~
 - ~~(5)(4)~~ Dwelling: two-family or duplex
 - ~~(6)(5)~~ Emergency residential facility, provided that not more than fifteen (15) persons are served
 - ~~(7)(6)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - ~~(8)(7)~~ Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - ~~(9)(8)~~ Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Public, civic, and institutional uses.
 - (1) Government or community service use
 - c. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility system, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - d. Temporary or seasonal uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- e. Other uses.
 - ~~(1) — Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-SFR Waterfront Single-Family Residential District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fences, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)

- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. Parcel requirements.

- a. Minimum parcel area.
 - (1) A parcel that has a single-family detached dwelling as its principal use shall have a minimum area of seven thousand (7,000) square feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - (2) A parcel that has a principal use other than a single-family detached dwelling shall have a minimum area of fourteen thousand (14,000) square feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- b. Minimum parcel width.
 - (1) A parcel that has a single-family detached dwelling as its principal use shall have a minimum width of fifty (50) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - (2) A parcel that has a principal use other than a single-family detached dwelling shall have a minimum width of one hundred (100) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this Section.

2. Setback requirements for principal building.

- a. Minimum principal building setback from the road right-of-way.
 - (1) A single-family detached dwelling shall be set back a minimum of twenty-five (25) feet from the road right-of-way, except as may be modified based on the average setback from the front parcel line calculation pursuant to [Section 6.1, B.: Setbacks](#).
 - (2) A principal use, other than a single-family detached dwelling, shall be set back a minimum of thirty-five (35) feet from the road right-of-way.
- b. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
- c. Minimum principal building setback from corner street side parcel line.
 - (1) A single-family detached dwelling shall be set back a minimum of twenty (20) feet from the corner street side parcel line, except as may be modified based on

the average setback from the corner street side parcel line calculation pursuant to [Section 6.1, B.: Setbacks](#).

- (2) A principal building, other than a single-family detached dwelling, shall be set back a minimum of thirty (30) feet from the corner street side parcel line.
- d. Minimum principal setback from interior side parcel line.
 - (1) A single-family detached dwelling shall be setback a minimum of ten (10) feet from an interior side parcel line, except as modified pursuant to [Section 6.1, B.: Setbacks](#).
 - (2) A principal building, other than a single-family detached dwelling, shall be set back a minimum of fifteen (15) feet from an interior side parcel line.
- e. Minimum principal building setback from rear parcel line. All principal buildings shall be set back a minimum of thirty-five (35) feet from the rear parcel line.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be set back from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).
4. **Maximum building height.**
 - a. Principal building. No building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building associated with a government or community service, a religious institution, or a primary or secondary school may exceed thirty-five (35) feet in height provided the setback requirements from the side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed twenty-five (25) percent of the parcel area.
6. **Maximum impervious coverage of the parcel:** Forty (40) percent

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront Overlay District requirements.** All uses shall meet the requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).

Section 4.26 W-MRC Waterfront Mixed Residential/Commercial District

A. Intent

The W-MRC Waterfront Mixed Residential/Commercial District encompasses an area between US Highway 2 and Lake Superior that may have existing industrial, commercial, and residential uses that do not have a strong relationship to the waterfront, nor do they provide public views or access to the waterfront. The primary intent of the district is to encourage existing industrial uses in the district to relocate to appropriate industrial districts in the city. Also, where feasible, the intent of the district is to encourage redevelopment of existing commercial and residential uses in a manner that enhances the relationship of these uses to the waterfront and, to the maximum

extent possible, provides public views and access to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage existing industrial uses in the district to relocate to appropriate industrial districts in the city;
2. Encourage the development and redevelopment of residential and/or commercial uses in a manner that promotes public views and access to the waterfront, where feasible;
3. Allow a mixture of residential uses, but encourage housing that includes public open space that promotes views and access to the waterfront;
4. Encourage development of commercial uses that cater to people using the waterfront and to the traveling public. Examples of such uses may include tourist-oriented retail, indoor and outdoor recreation facilities, lodging establishments, and restaurants. This district is not intended to accommodate large-scale regional commercial development;
5. Where feasible, encourage waterfront public/institutional uses in the district;
6. Encourage development in the district to occur through the planned unit development (PUD) process at a neighborhood or district scale to help ensure coordination between uses. Where feasible, encourage shared parking and pedestrian and vehicular access between uses. If the City of Ashland has adopted a plan for an area in the W-MRC District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

B. Uses

1. **Allowable uses that are part of an approved planned unit development (PUD).**
Allowable uses that are part of an approved planned unit development (PUD) in the W-MRC Waterfront Mixed Residential/Commercial District shall be established in accordance with the Planned Unit Development (PUD) District. The uses shall be consistent with the intent of this district and the goals, objectives, and policies of the City's Comprehensive Plan as well as all other applicable plans approved by the City.
2. **Permitted uses that are not part of an approved planned unit development (PUD).**
 - a. Uses in existence prior to the adoption of this ordinance. Any residential or commercial use (as determined by the Zoning Administrator or Designated Authorized Agent) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming permitted or conditional use at that time) shall be a permitted use.
 - 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
- c. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - d. Utility and communication uses.
 - (1) Essential services
 - e. Open space uses.
 - (1) Open space: private or public
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) Minor or accessory uses that do not have a major impact on the district, including fences, signs, minor renovations, and other similar uses incidental and customary to permitted and conditional uses.
- 3. Conditional uses.** The following are conditional uses in the W-MRC Waterfront Mixed Residential/Commercial District and are 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.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or Rooming House
 - (3) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (4) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (5) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living](#)
 - (6) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial.

(1) Animal boarding Section 4.26: W-MRC Waterfront Mixed Residential/Commercial District

- (2) Animal grooming or training facility
- (3) Artist studio
- (4) Assembly hall
- (5) Bank or other financial institution
- (6) Business service
- (7) Car wash
- (8) Day care center: commercial and pursuant to [*Section 5.2, C.: Day Care Center: Commercial*](#)
- (9) Dry cleaning and laundry drop off and pick up, excluding processing
- (10) Food center
- (11) Funeral home
- (12) Garden supply or landscaping center
- (13) Household maintenance and repair
- (14) Individual/family social services
- (15) Laundromat
- (16) Local food store, pursuant to [*Section 5.2, D.: Local Food Store*](#)
- (17) Lodging establishment: short and extended stay
- (18) Manufactured home dealer
- (19) Office as a principal use
- (20) Personal care/drop-in center
- (21) Personal service
- (22) Recreation facility: commercial indoor/outdoor
- (23) Restaurant: sit-down, fast food or carry-out
- (24) Retail establishment: convenience or general
- (25) Tavern
- c. Public, civic, and institutional.
 - (1) Boat landing
 - (2) Clinic
 - (3) Club or association
 - (4) Museum
 - (5) Nursing home
 - (6) Religious Institution
 - (7) School: primary, secondary, specialty, or personal instruction
- d. Utility and communication uses.

- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
- (2) Communication service
- (3) Outdoor wood-fired furnace associated with a single-family detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750 B., 17.: Outdoor Wood-fired Furnace](#)
- (4) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
- (5) Wind energy facility
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, landfilling, and/or excavation](#)
 - (2) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
4. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-MRC Waterfront Mixed Residential Commercial District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fences, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home

- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
 - (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).
5. **Prohibited uses.** Industrial uses (as determined by the Zoning Administrator or the Common Council) shall be prohibited uses in the W-MRC Waterfront Mixed Residential/Commercial District. Any existing industrial use that was a conforming use prior to the date of this ordinance shall be considered a nonconforming use and shall comply with the nonconforming provisions of this Ordinance.

C. Dimensional Requirements

- 1. **Basic dimensional requirements for uses associated with a planned unit development (PUD).** Basic dimensional requirements (including parcel area and width, principal building setback, allowable height, maximum building coverage, maximum impervious coverage, and other pertinent dimensional requirements) for uses associated with a planned unit development (PUD) shall be determined through the planned unit development (PUD) ordinance and shall be consistent with the Waterfront Overlay District requirements and the Gateway Overlay District requirements of this Ordinance, where applicable.
- 2. **Basic dimensional requirements for uses that are not part of an approved planned unit development.** Basic dimensional requirements (including parcel area and width, principal building setback, allowable height, maximum building coverage, maximum impervious coverage, and other pertinent dimensional requirements) for uses that are not part of an approved planned unit development (PUD) shall be identical to the dimensional requirements of the zoning district in this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a single-family detached dwelling

shall meet the dimensional requirements for a single-family detached dwelling in the W-SFR Waterfront-Single Family Residential District. All uses shall be consistent with the Waterfront Overlay District and the Gateway Overlay District requirements of this Ordinance, where applicable.

3. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-MRC District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. Design standards. All uses shall meet the applicable design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. Waterfront overlay district requirements. All uses shall be consistent with the provisions of the Waterfront Overlay District as specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. Gateway Overlay District requirements. All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.27 W-CRM Waterfront Conference/Residential Mix District

A. Intent

The W-CRM Waterfront Conference/Residential Mix District is intended to provide a unique area in the city where a mixture of conference, lodging, and compatible residential and commercial uses are coordinated in a planned setting to produce a vibrant and relatively self-contained area that caters to conferences, special events, and tourist activities. More specifically, the intent of the district is as follows:

1. Encourage the development and/or redevelopment of uses in the district that will have a synergistic relationship with the existing lodging establishment/conference facility in the district. Examples of such uses may include tourist-oriented retail, indoor and outdoor recreation facilities, additional lodging establishments, and restaurants. This district is not intended to accommodate large-scale regional commercial development;
2. Allow the continuation, enhancement, and expansion of existing detached single-family dwellings in the district, but also allow parcels with detached single-family dwellings to sensitively transition to higher density housing or commercial uses that relate to the mixed conference/residential intent of this district;
3. Encourage development in the district to occur through the planned unit development (PUD) process at the neighborhood or district scale to help ensure coordination between uses. Where feasible, encourage shared parking and pedestrian and vehicular access between uses;
4. Where feasible, encourage development of uses that relate to the waterfront and that provide strong visual and pedestrian connections to the waterfront.

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

b. Commercial uses.

- (1) Assembly hall
- (2) Business service
- (3) Conference center
- (4) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (5) Lodging establishment: short stay or extended stay
- (6) Personal service
- (7) Retail: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet
- (8) Restaurant: carry-out, fast food, or sit-down

c. Public, civic, and institutional uses.

- (1) Festival grounds
- (2) Government or community service use
- (3) Public park

d. Utility and communication uses.

- (1) Essential services

e. Open space uses.

- (1) Open space: private or public

f. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
- (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)

g. Other uses.

- (1) Other uses not specifically listed in this Ordinance, but for which the Zoning

Section 4.27: W-CRM Waterfront Conference/Residential Mix District

Administrator or Designated Authorized Agent has determined that the use is consistent with intent of the permitted uses in this district.

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: accessory, provided that it is associated with a single-family detached dwelling, pursuant to Section 5.1, E.: Dwelling: Accessory~~
- ~~(6)(5)~~ Dwelling combined with a conditional use
- ~~(7)(6)~~ Dwelling: multi-family, more than eight (8) units per building
- ~~(8)(7)~~ Emergency residential facility
- ~~(9)(8)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- ~~(10)(9)~~ Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- ~~(11)(10)~~ Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)

b. Commercial uses.

- (1) Artist studio
- (2) Bank or financial institution
- (3) Car wash associated with a filling station
- (4) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (5) Dry cleaning and laundry drop off and pick up, but excluding processing
- (6) Filling station with or without a convenience store
- (7) Laundromat
- (8) Office as a principal use
- (9) Recreation facility: commercial indoor or outdoor
- (10) Restaurant: drive-in
- (11) Retail: convenience or general, exceeding two thousand five hundred (2,500) gross square feet
- (12) Tavern

- (13) Theater
 - c. Public, civic, and institutional uses.
 - (1) Boat landing
 - (2) Campground, pursuant to City of Ashland [Ordinance 871](#)
 - (3) Club or association
 - (4) Museum
 - (5) School: specialty or personal instruction
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace associated with a single-family-detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-CRM Waterfront Conference/Residential Mix District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)

- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent requirements shall be identical to the dimensional requirements of the zoning district that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a commercial use shall relate to the dimensional requirements for a commercial use in the W-C Waterfront Commercial District.
2. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-CRM District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).

D. Special Requirements

1. **Gateway Overlay District requirements.** Parcels that have frontage on a US Highway 2 shall meet the Gateway Overlay requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).
2. **Waterfront overlay district requirements.** Development in the W-CRM District shall be consistent with the requirements of the waterfront overlay district specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Design standards.** All uses shall meet the pertinent design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).

Section 4.28 W-C Waterfront Commercial District

A. Intent

The W-C Waterfront Commercial District encompasses an area between US Highway 2 and Lake Superior. Existing uses in the district consist primarily of regional (highway) commercial uses, but may also include existing residential and existing industrial uses. The intent of the district is to allow the existing commercial uses and structures to continue while encouraging all uses and structures to transition to commercial uses that have a strong relationship to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage the development and redevelopment of commercial properties in a manner that enhances their relationship with the waterfront. Encourage uses to provide public views and access to the waterfront, where feasible;
2. Encourage uses that cater to people using the waterfront and to the traveling public. This district is not intended to accommodate large-scale regional commercial development;
3. Encourage existing residential and industrial uses to relocate to other appropriate districts in Ashland;
4. Encourage development and redevelopment in the district to occur through the planned unit development (PUD) process that includes at least several parcels. Encourage connections between commercial uses that allow for shared parking and shared access from US Highway 2;
5. If the City of Ashland has adopted a plan for the W-C Waterfront Commercial District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan;
6. Where commercial development or redevelopment on a parcel in this district cannot occur in a manner that is reasonably consistent with the provisions of this Ordinance (due to the dimensional characteristics of the parcel or other reasons), it is the intent of this district to encourage said parcel to transition to a waterfront oriented public, civic, or institutional use (such as a public park) that will be consistent with the Comprehensive Plan and the provisions of this Ordinance.

B. Uses

1. **Permitted uses.** Due to the dimensional constraints of the existing parcels in the district and the intent of the district to enhance the relationship of structures and uses to the waterfront, outright permitted uses in the W-C Waterfront Commercial District shall be limited to the following.
 - a. Public, civic, and institutional uses.

- (1) Festival grounds
 - (2) Government or community service use
 - (3) Public park
 - b. Utility, communication, and public service uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: private or public
 - d. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent of the City has determined that the use is consistent with the intent of permitted uses in this district.
- 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.
 - a. Residential uses.
 - (1) Adult family home pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) 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
 - (3) Dwelling combined with a permitted or conditional commercial use
 - (4) Emergency residential facility
 - (5) Home occupation associated with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (6) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - b. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution

- (5) Business service
 - (6) Car wash
 - (7) Conference center
 - (8) Currency exchange, payday loan establishment, or title loan agency, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
 - (9) Day care center: commercial and pursuant to *Section 5.2, C.: Day Care Center: Commercial*
 - (10) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (11) Filling station
 - (12) Funeral home
 - (13) Garden supply or landscaping center
 - (14) Household maintenance and repair establishment
 - (15) Laundromat
 - (16) Local food store, pursuant to *Section 5.2, D.: Local Food Store*
 - (17) Lodging establishment: short stay or extended stay
 - (18) Office
 - (19) Pawn shop, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
 - (20) Personal service
 - (21) Recreation facility: commercial indoor or outdoor
 - (22) Rent-to-own, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
 - (23) Restaurant: carry-out, fast food, or sit-down
 - (24) Retail establishment: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet per building
 - (25) Tavern
 - (26) Theater
 - (27) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Club or association
 - (3) Museum

- (4) School: specialty or personal instruction
 - (5) Religious institution
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - ~~(1) Accessory building, pursuant to Section 5.6, A.: Accessory Building~~
 - ~~(2)(1)~~ Drive-through window associated with a permitted or conditional use
 - ~~(3)(2)~~ Parking lot as a principal use
 - ~~(4)(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-C Waterfront Commercial District, pursuant to all applicable specific use standards.
- (1) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (4) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (5) Fence, pursuant to [Section 6.5: Fences](#)
 - (6) Foster care: family home
 - (7) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (8) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (9) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (10) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)

- (11) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (14) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (15) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (16) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (17) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (18) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the W-C District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way. Thirty (30) feet.
 - b. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - c. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - d. Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
 - e. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building may exceed thirty-five (35) feet subject to the issuance of a conditional use permit.
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).

5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on U.S. Highway 2 shall meet the Gateway Overlay District requirements specified in GTWY-O Gateway Overlay District.
4. **Additional requirements.** Additional requirements (including, but not limited to setbacks from a bluff) may apply to parcels and uses in this district. Refer to the pertinent provisions of this Ordinance for specific requirements.

Section 4.29 W-CC Waterfront City Center District

A. Intent

The W-CC Waterfront City Center District includes a mixture of existing residential, commercial, and industrial uses that are located near the heart of the city, between US Highway 2 and Lake Superior. The intent of the district is to allow the continuation of single-family residential uses in the district while also allowing the district to sensitively transition to commercial and public/institutional uses that have a strong relationship to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage existing industrial uses in the district to relocate to other appropriate districts in the city;
2. Allow the continuation, enhancement, and expansion of existing residential uses in the district, but also allow the sensitive conversion of parcels with existing single-family dwellings to transition to appropriate “city center” uses that have a strong relationship to the waterfront;
3. Ensure that development and redevelopment in the district occurs in a manner that reasonably protects the integrity of the surrounding existing single-family dwellings in the district; and
4. Encourage the transition to waterfront city center uses to occur through the planned unit development (PUD) process at a neighborhood scale or block scale. If the City of Ashland has adopted a plan for the W-CC Waterfront City Center District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

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~~
- b. Commercial uses.
- (1) Artist studio
 - (2) Assembly hall
 - (3) Conference center
 - (4) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (5) Lodging establishment: short stay or extended stay
 - (6) Personal service
 - (7) Retail: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet
 - (8) Restaurant: carry-out, fast food, or sit-down
- c. Public, civic, and institutional uses.
- (1) Festival grounds
 - (2) Government or community service use
 - (3) Museum
 - (4) Public park
- d. Utility, communication, and public service uses.
- (1) Essential services
- e. Open space uses.
- (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
- (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
- (1) 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 the permitted uses in this district.

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: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory~~
- ~~(6)(5)~~ Dwelling combined with a conditional use
- ~~(7)(6)~~ Dwelling: single-family attached, two (2) to six (6) units per building
- ~~(8)(7)~~ Dwelling: multi-family, three (3) or more units per building
- ~~(9)(8)~~ Dwelling: two-family or duplex
- ~~(10)(9)~~ Emergency residential facility
- ~~(11)(10)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- ~~(12)(11)~~ Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- ~~(13)(12)~~ Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)

b. Commercial uses.

- (1) Bank or financial institution
- (2) Business service
- (3) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (4) Dry cleaning and laundry, drop off and pick up, but excluding processing
- (5) Laundromat
- (6) Office
- (7) Recreation facility: commercial indoor or outdoor
- (8) Retail establishment: convenience or general, exceeding two thousand five hundred (2,500) gross square feet
- (9) Tavern
- (10) Theater

c. Public, civic, and institutional uses.

- (1) Clinic
 - (2) Club or association
 - (3) Nursing home
 - (4) School: primary, secondary, specialty, or personal instruction
 - (5) Religious institution
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a government or community service use, a religious institution, or a primary or secondary school, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavating (excluding mining) involving fifty (50) or more cubic yards of material, and as a separate activity not associated with a building permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - ~~(1) Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Drive-through window associated with a permitted or conditional use
 - ~~(3)~~(2) Parking lot as a principal use
 - ~~(4)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-CC Waterfront City Center District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home

- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel area in the W-CC District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Three thousand five hundred (3,500) square feet.
 - b. Minimum parcel area for properties located in the GTWY-O Gateway Overlay District. Twenty thousand (20,000) square feet, except that a smaller parcel area may be allowed with the approval of a conditional use permit.
 - c. Minimum parcel width. Twenty-five (25) feet.
 - d. Minimum parcel width for properties located in the GTWY-O Gateway Overlay District. One-hundred forty (140) feet, except that a smaller parcel width may be allowed with approval of a conditional use permit.
2. **Setback requirements of a principal building from all parcel lines.** Uses shall meet the setback requirements specified in the zoning district of this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent. For example, the requirements for a single family use shall relate to the setback requirements for the R-1 Single Family District. All parcels in the GTWY-O Gateway Overlay District shall be required to follow the setbacks established in the RC Regional Commercial District. Setbacks may be reduced with the approval of a conditional use permit.
3. **Maximum parcel coverage.** Uses shall meet the requirements for maximum parcel coverage specified in the zoning district of this ordinance that best resembles the use of said parcel, except that all non-residential development shall meet the following:

- a. Maximum building coverage of the parcel. Fifty percent (50%).
- b. Maximum impervious coverage. Seventy percent (70%), except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
4. **Maximum height of principal building.** Forty-five (45) feet, as measured pursuant to [Section 6.1, C.: Building Height](#) except that the City may allow a principal building to exceed a height of forty-five (45) feet subject to the approval of a conditional use permit.
5. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings in the district shall be as specified in [Section 5.6, A.: Accessory Building](#).
6. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-CC Waterfront City Center District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.30 W-I Waterfront Industrial District

A. Intent

The intent of the W-I Waterfront Industrial District is to recognize areas of existing industrial uses adjacent to Lake Superior that the City has determined are essential or otherwise acceptable industrial uses in the area. These existing industrial uses may continue subject to the provisions of this section. Should an existing industrial use in the district cease, it is the intent of this district to encourage the use to transition to a “waterfront oriented” public, civic, and institutional use pursuant to this section. Additions to the W-I Waterfront Industrial District are not anticipated. New industrial uses shall be directed to a LI Light Industrial District or HI Heavy Industrial District outside of the waterfront area.

B. Uses

1. **Permitted uses.** The following uses are permitted in the W-I Waterfront Industrial District pursuant to all applicable specific use standards and the special requirements of this district.
 - a. Public, civic, and institutional uses.
 - (1) Public park
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: private or public

- d. Temporary, seasonal use, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - e. Other uses.
 - (1) 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 permitted uses in the district.
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.
- a. Industrial uses.
 - (1) Light manufacturing use provided that the use was in existence prior to the date of adoption of this ordinance and provided that the use did not cease to exist for a period of twelve (12) or more consecutive months since the date of adoption of this ordinance.
 - (2) Power generation plant provided that the use was in existence prior to the date of adoption of this ordinance and provided that the use did not cease to exist for a period of twelve (12) or more consecutive months since the date of adoption of this ordinance.
 - b. Public, civic, and institutional uses.
 - (1) Campground, pursuant to City of Ashland [Ordinance 871](#)
 - (2) College
 - (3) Festival grounds
 - (4) Government and community services
 - (5) Marina
 - (6) Nursing home
 - (7) School: primary, secondary, or specialty
 - (8) Religious institution
 - (9) Water oriented research facility
 - c. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - d. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
- e. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-I Waterfront Industrial District, pursuant to all applicable specific use standards and the special requirements of this district.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (9) Signs, pursuant to [Section 6.6: Signs](#)
 - (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (11) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (12) Swimming pool for private recreation use, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (13) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent of the City.

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - d. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - e. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).
4. **Maximum building height.**
 - a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#), except that height of a principal building can be increased with the approval of a conditional use permit.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).

3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on U.S. Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.31 W-PI Waterfront Public/Institutional District

A. Intent

The intent of the W-PI Waterfront Public/Institutional District is to facilitate the development of public and institutional uses that have a strong relationship with the waterfront.

B. Uses

1. **Permitted uses.** The following uses are permitted in the W-PI Waterfront Public District.
 - a. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Festival grounds
 - (3) Government or community service use
 - (4) Marina
 - (5) Museum
 - (6) Public park with or without a campground, pursuant to City of Ashland [Ordinance 871](#)
 - (7) Water oriented research facilities
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open spaces.
 - (1) Open spaces: public or private
 - d. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - e. Other uses.
 - (1) 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 the permitted uses in this district.
2. **Conditional uses.** The following uses are conditional uses in the W-PI Waterfront Public 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.
 - a. Commercial uses.

- (1) Terminal: passenger ship, including, but not limited to a cruise or sightseeing boat
 - (2) Water-oriented commercial use that is incidental or accessory to a public, civic, or institutional uses. An individual water-oriented commercial use shall not exceed a gross area of two thousand five hundred (2,500) square feet.
 - b. Industrial uses.
 - (1) Terminal: ship, in accordance with applicable state or federal agreements for use of said ship terminal and provided that the use was in existence and a conforming use prior to adoption of this ordinance
 - c. Public, civic, and institutional uses.
 - (1) Boat landing
 - (2) College
 - (3) School: primary, secondary or specialty
 - (4) Zoo
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Temporary construction building
 - f. Other uses.
 - ~~(1) — Accessory building, if the accessory building exceeds the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~ (1) Parking lot as a principal use
 - ~~(3)~~ (2) 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.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-PI District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)

- (4) Fence, pursuant to [Section 6.5: Fences](#)
- (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (9) Signs, pursuant to [Section 6.6: Signs](#)
- (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (11) Sport court for recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (12) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (13) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the W-PI District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) square feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - d. Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - e. Minimum principal building setback from rear parcel line. Twenty-five (25) feet.

3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Sections 4.32 – 4.34 (Reserved for potential additional waterfront districts.)

Other Districts

Sections 4.35. – 4.44. describe the zoning districts in the City of Ashland that accommodate public and institutional uses, public open spaces and parks, commercial and industrial airport uses, and minimal land uses that allow for future development.

Section 4.35 PI Public/Institutional District

A. Intent

The intent of the PI Public/Institutional District is to accommodate a variety public, semi-public, and institutional uses in Ashland. Although public and institutional uses are allowed as permitted or conditional uses in many other districts in the city, the PI Public/Institutional District is intended for the exclusive use of significant public or institutional uses (including, but not limited to colleges, schools, hospitals, and cemeteries). Public parks are intended to be included in the PP Public Parks District. Public/institutional uses adjacent to Lake Superior are intended to be included in the W-P/I Waterfront Public/Institutional District.

B. Uses

1. **Permitted uses.** The following uses are permitted uses in the PI Public/Institutional District.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that not more than fifteen (15) persons are served
 - (2) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)

- (3) Dormitory
- (4) Emergency residential facility
- (5) Fraternity or sorority
- (6) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- b. Commercial uses.
 - (1) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- c. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Cemetery
 - (3) Clinic and/or medical office
 - (4) College
 - (5) Festival grounds
 - (6) Government or community service use
 - (7) Hospital
 - (8) Museum
 - (9) Nursing home
 - (10) Public park
 - (11) Religious institution
 - (12) School: primary or secondary
 - (13) Water oriented research facility
- d. Utility and communication uses.
 - (1) Essential services
- e. Open space uses.
 - (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Land filling: temporary
- g. Other uses.
 - (1) 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 permitted uses in the district.

2. **Conditional uses.** The following conditional uses are allowed in the PI Public/Institutional 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) Community-based Residential Facility
 - b. Commercial uses
 - (2) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - c. Industrial uses.
 - (1) Research and development facility
 - (2) Composting facility: indoor, pursuant to [Section 5.3 C., Community Composting Facilities](#)
 - d. Public, civic, and institutional uses.
 - (1) School: specialty or special instruction
 - (2) Zoo
 - e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - f. Agriculture and forestry uses.
 - (1) Agriculture
 - (2) Agricultural services
 - (3) Agriculture research facility
 - (4) Forestry
 - g. Temporary, seasonal, or land filling/excavation uses.
 - h. Other uses.
 - ~~(1) Accessory buildings, if the accessory buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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 the conditional uses in the district.
3. **Accessory uses.** The following uses are permitted as accessory to permitted or conditional uses in the PI Public/Institutional District, pursuant to all specific use standards.

- (1) Animal: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (2) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, pursuant to [Section 5.6 D.: Day Care: Family Home](#)
- (6) Fences, pursuant to [Section 6.5: Fences](#)
- (7) Greenhouse: local
- (8) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (9) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (10) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (11) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (14) Sport court or play equipment, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (15) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (16) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (17) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the PI Public/Institutional District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre.
 - b. Minimum parcel width. Two hundred (200) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirement for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).

- a. Minimum principal building setback from front parcel line. Forty (40) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Thirty (30) feet.
 - d. Minimum principal building setback from rear parcel line. Forty (40) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building height between thirty-five (35) feet and sixty (60) feet may be permitted with the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#).
 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#)
 5. **Maximum building coverage of the parcel.** Fifty (50) percent.
 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

Section 4.36 PP Public Parks District

A. Intent

The intent of the PP Public Parks District is to accommodate a variety of public parks and public open spaces in Ashland. Although public parks and public open spaces are permitted uses in many other districts in the city, the PP Public Parks District is intended for the exclusive use of public parks, significant public open spaces, and park related accessory uses. The W-P/I Waterfront Public/Institutional District may also accommodate public parks and public open space.

B. Uses

1. **Permitted uses.** The following uses are permitted in the PP Public Parks District.
 - a. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public festival grounds
 - (3) Public parks and recreation uses and related buildings and uses
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: public
 - d. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).

- e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent of the City has determined that the use is consistent with the intent for permitted uses in this district.
- 2. **Conditional uses.** The following uses are conditional uses in the PP Public Parks 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) Dwelling that serves as a caretaker's residence for a public park
 - b. Commercial uses.
 - (1) Commercial use incidental to a public park use; for example, a seasonal food stand
 - (2) Specialty school incidental to a public park use
 - c. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Boat landing
 - (3) Campground and/or recreational vehicle park, pursuant to City of Ashland [Ordinance 871](#)
 - (4) Museum
 - (5) Water oriented research facility
 - (6) Zoo
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)~~
 - ~~(2)~~[\(1\)](#) Parking lot as a principal use

~~(3)~~(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.

3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the PP Public Parks District, pursuant to all applicable specific use standards.

- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
- (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (4) Fence, pursuant to [Section 6.5: Fences](#)
- (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (9) Signs, pursuant to [Section 6.6: Signs](#)
- (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (11) Sport court or play equipment for public recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (12) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (13) Temporary construction building, pursuant to [Section 5.5 B.: Temporary Construction Building](#)
- (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** There shall be no parcel requirements in the PP Public Parks District.
2. **Setback requirements for principal building.** Setbacks requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Eight (8) feet.

- d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** There shall be no maximum building coverage in the PP Public Parks District.
6. **Maximum impervious coverage.** There shall be no maximum impervious coverage in the PP Public Parks District.

Section 4.37 FD Future Development District

A. Intent

The intent of the FD Future Development District is to allow the use of land (not served with municipal utilities) in a manner that will not preclude future development at urban densities, pending the extension of municipal utilities or market conditions that justify development at urban densities. Land in this district shall be rezoned consistent with the Comprehensive Plan, pending the proper timing for the economical provision of municipal sewer and water, streets, parks, storm drainage, and other public utilities and services, so that orderly development can occur. Where feasible, conservation subdivisions (pursuant to Section 4.56: Conservation Subdivision Overlay District) are encouraged for residential uses in this district.

B. Uses

1. **Permitted uses.** The following are permitted uses in the FD Future Development 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: 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
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Agriculture, forestry, and open space uses.
 - (1) Agriculture
 - (2) Forestry

Section 4.36: PP Public Parks District

(3) Open space: private or public

- e. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - (3) Seasonal market
 - f. Other uses.
 - (1) Personal storage building as a principal use pursuant to [Section 5.6, G.: Personal Storage Building as a Principal Use.](#) Personal storage buildings as a principal use shall not be permitted in association with a conservation subdivision in the FD Future Development District.
 - (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 permitted uses in this district.
- 2. **Conditional uses.** The following are conditional uses in the FD Future Development 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) Convent, rectory, or monastery
 - (5) Emergency residential shelter
 - ~~(6) Dwelling: accessory, pursuant to Section 5.1, E.: Dwelling: Accessory~~
 - ~~(7)(6)~~ Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - ~~(8)(7)~~ Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - ~~(9)(8)~~ Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Animal boarding facility
 - (2) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (3) Recreation facility: commercial indoor or outdoor
 - (4) Veterinary clinic: small and large animal
 - (5) Warehouse: self-storage

- c. Industrial uses.
 - (1) Composting facility: indoor
 - (2) Salvage operation: indoor/outdoor
- d. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Campground and/or recreational vehicle park, pursuant to City of Ashland [Ordinance 871](#)
 - (3) Cemetery
 - (4) Community composting facility or construction debris facility, provided that the facility is contiguous to, or directly across a public right-of-way from, the Ashland land fill.
 - (5) Festival grounds
 - (6) Government or community service use
 - (7) Religious institution
 - (8) School: primary or secondary
- e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
- f. Agriculture, forestry, and open spaces.
 - (1) Agricultural research facility
 - (2) Agricultural services
- g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (2) Mining, consistent with [Chapter NR 135 of the Wisconsin Administrative Code](#) and all other applicable regulations
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- h. Other uses.
 - ~~(1) Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.

3. **Accessory uses.** The following are allowed accessory uses to permitted and conditional uses in the FD Future Development District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, or donkeys, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#)
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fences, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Greenhouse: local
 - (11) Landscaping and/or gardening
 - (12) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (14) Outdoor mechanical and electrical equipment, including solar equipment (but not including outdoor wood furnaces), pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (17) Signs
 - (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (19) Sport court, play equipment, and similar private recreation uses, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. Parcel requirements.**a. Minimum parcel area.**

- (1) A parcel that has a use that is not associated with an approved conservation subdivision shall have a minimum parcel area of five (5) acres, except as may be modified pursuant to Subparagraph c. of this Section or [Section 10.3: Nonconforming Parcels](#).
- (2) A parcel that is associated with an approved conservation subdivision shall have a minimum parcel area pursuant to [Section 4.56: Conservation Subdivision](#).

b. Minimum parcel width.

- (1) A parcel that is not associated with an approved conservation subdivision shall have a minimum parcel width of two hundred (200) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- (2) A parcel that is associated with an approved conservation subdivision shall have a minimum parcel width pursuant to [Section 4.56: Conservation Subdivision](#).

c. Exceptions to parcel requirements.

- (1) Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- (2) The minimum parcel area for a conventional subdivision in the FD District may be calculated based on the gross developable area of the parcel including road right-of-ways. Consequently, a forty (40) acre parcel could be subdivided into eight (8) parcels, even if part of the forty (40) acre parcel were conveyed for a public road, but provided that no parcel has less than four (4) net developable acres.

2. Setback requirements for principal building.

- a. Minimum principal building setback from front parcel line. Forty (40) feet.
- b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
- c. Minimum principal building setback from interior side parcel line. Twenty-five (25) feet.
- d. Minimum principal building setback from rear parcel line. Thirty (30) feet.

3. Maximum height of principal building. Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).**D. Design Standards for Agricultural Buildings and Other Accessory Buildings**

- 1. Applicability.** All agricultural buildings and other accessory buildings over twelve hundred (1,200) square feet shall comply with the design standards and guidelines of this Subsection. All other accessory buildings shall comply with [Section 5.6, A: Accessory Building](#).
- 2. Architectural features and colors.** All buildings shall be complimentary to the principal structures and surrounding area in terms of architectural features and colors.

3. **Maximum height.** The maximum building height shall not exceed thirty-five (35) feet.
4. **Setbacks.** Setbacks from side and rear parcel lines shall be a minimum of thirty (30) feet.
5. **Design review.** Buildings located within the Gateway Overlay District or readily visible from U.S. Highway 2, State Highway 13, or State Highway 112 shall be subject to design review by the Zoning Administrator or Designated Authorized Agent. Such buildings shall have a decorative exterior with special features that may include decorative windows or rooflines, cupolas, or columns. Long, uninterrupted roof or wall planes greater than seventy-five (75) feet shall be prohibited. Not less than fifteen (15) percent of the building façade visible from the highway shall be decorative material such as, brick, stone, stucco, or decorative masonry units.

Section 4.38 AIR Airport District

A. Intent

The intent of the AIR Airport District is to accommodate the John F. Kennedy Memorial Airport. The district is also intended to accommodate commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair and service shop, and retail uses that serve air travelers and others at the airport.

B. Uses

1. **Permitted uses.** The following are permitted uses in the AIR Airport District, pursuant to all applicable specific use standards and any requirements in an adopted AIR-O Airport Overlay District.
 - a. Public, civic, and institutional uses.
 - (1) Airport terminal
 - (2) Airport hangar
 - (3) Other airport uses customarily provided in conjunction with an airport use
 - (4) Buildings and uses associated with public works or public services
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Agriculture and open space uses.
 - (1) Agriculture, excluding structures, provided that the agriculture use does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
 - (2) Open space, provided that the open space does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
 - d. Temporary, seasonal, or land filling/excavating uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Land filling: temporary

2. **Conditional uses.** The following conditional uses are allowed in the AIR Airport 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 as well as any requirements in an adopted AIR-O Airport Overlay District.
 - a. Commercial uses and industrial uses.
 - (1) Commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair/service shop, a car rental facility, or a retail store that serves as travelers and others at the airport.
 - b. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - c. Temporary, seasonal, or land filling/excavation uses.
 - d. Other uses.
 - ~~(1) — Accessory buildings, if the buildings exceed the pertinent standards specified in Section 5.6, A.: Accessory Building~~
 - ~~(2)~~(1) Parking lot as a principal use
 - ~~(3)~~(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.
3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the AIR Airport District, pursuant to all applicable specific use standards and any requirements in an adopted AIR-O Airport Overlay District.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#)
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Navigational aids and weather observation equipment incidental to airport use
 - (7) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (8) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (9) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)

- (10) Signs, pursuant to [Section 6.6: Signs](#)
- (11) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (12) Sport court or play equipment, and similar private recreation uses, pursuant to [Section 5.6 K.: Sport Court, Play Equipment, and Similar Uses](#)
- (13) Swimming pool, pursuant to [Section 5.6 L.: Swimming Pool](#)
- (14) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (15) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

- 1. **Setback requirements.** All new principal and accessory buildings or structures shall require a minimum twenty (20) foot setback from all parcel lines.
- 2. **Height Limitations.** No structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the Height Limitations Zoning Map in City of Ashland [Ordinance 453](#).

Sections 4.39 – 4.44 (Reserved for potential additional other zoning districts.)

Overlay Zoning Districts

The following sections describe the overlay zoning districts in the city. An overlay zoning district specifies special requirements that address specific issues that are not addressed in the underlying (or base) zoning districts. An overlay zoning district may cover multiple underlying (or base) zoning districts (for example, the F-O Floodplain Overlay District may overlay the R-1, R-2, and R-4 Districts).

Section 4.45 Reserved

Section 4.46 W-O Waterfront Overlay District

A. Intent

- 1. The area encompassed by the W-O Waterfront Overlay District is a valuable asset to the City of Ashland. The intent of the district is to impose land use controls (in addition to those in the applicable underlying zoning districts) to accomplish the following:
 - a. Use property in the district in a manner that promotes economic development, affords a high quality of life, and protects and enhances the natural environment;
 - b. Protect and enhance public investment in the waterfront area while stimulating private development where appropriate;
 - c. Encourage high quality development that is attractive and that promotes a unique sense of place tied to the waterfront; and
 - d. Enhance and encourage public access and enjoyment of the waterfront;

2. If the City of Ashland has adopted a plan for any area in the W-O Waterfront Overlay District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan. Such plans include, but are not limited to, the Waterfront Development Plan and various plans included in the Ashland Comprehensive Plan.

B. District Boundaries

The W-O Waterfront Overlay District overlays and is bound by the following underlying districts: W-SFR Waterfront Single-Family Residential, W-MRC Waterfront Mixed Residential/Commercial, W-CRM Waterfront Conference/Residential Mix, W-C Waterfront Commercial, W-CC Waterfront City Center, W-I Waterfront Industrial, and W-PI Waterfront Public/Institutional.

C. Administration

1. **General application.** The design guidelines specified in this Section shall apply to all properties in Waterfront Overlay District.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Compliance with design guidelines.** Given the pattern of existing development in this District and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the District to be consistent with all of the design guidelines specified in this Section. Consequently, prior to action on a building permit, site plan approval, or other applicable approvals associated with a proposed development application, the appropriate review and approval authority (pursuant to Part 2 of this Ordinance) shall make a determination that the proposed development is consistent with the intent of the design guidelines of this Section when considered as a whole. However, the development proposal need not be in complete conformance with every design guideline specified herein in order to receive approval.
4. **Supremacy of regulations.** In some cases, parcels may be in more than one overlay district. If any conflict between the regulations applicable in another overlay district (or the underlying zoning district) and the design guidelines of the Waterfront Overlay District occurs, the more restrictive provisions shall take precedence.

D. Design Standards and Guidelines

1. **Intent.** The following design standards and guidelines are intended to further the intent of Waterfront Overlay District by providing review guidance relating to specific design elements that affect the appearance and function of uses in the Waterfront Overlay District. The standards and guidelines are not intended to discourage development, but to encourage development that is functional, attractive, and meets the intent of this District. The word “shall” as used in this Ordinance refers to a standard that is a mandatory requirement. The word “should” refers to a guideline that is encouraged and discretionary, but not mandatory.
2. **Principal building setback from the ordinary high water mark.** All principal buildings with frontage on Lake Superior shall be set back a minimum of seventy-five (75) feet from the ordinary high water mark of Lake Superior and thirty (30) feet from the top of bluffs, unless issued a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). Requirements set forth in [Part 8: Environmental Protection](#) may also apply. Where principal buildings exist on the adjoining parcels on both sides of a proposed building site,

the subject principal building setback may be altered to conform to the prevailing setback, but in no case shall a principal building be set closer than fifty (50) feet to the ordinary high water mark.

3. **Accessory building setback from the ordinary high water mark.** Accessory buildings shall not be placed between the principal building and the ordinary high water mark, on properties with frontage on Lake Superior. However, a water oriented accessory building (such as a boathouse or gazebo) may be placed within ten (10) feet of the ordinary high water mark, provided that the accessory building does not exceed four hundred (400) gross square feet and one (1) story in height.
4. **Impervious surface setbacks.** Impervious surfaces shall have a minimum setback of fifty (50) feet from the ordinary high water mark of Lake Superior and a minimum setback of thirty (30) feet from the top of bluffs. Trails, walks, and similar uses shall be exempt from this standard provided the use will not contribute to destructive erosion or allow unfiltered runoff into Lake Superior.
5. **Undisturbed vegetative buffer adjacent to Lake Superior.** Where feasible, a minimum undisturbed vegetative buffer of thirty five (35) feet shall be maintained from the ordinary high water mark of Lake Superior. Slopes over twenty (20) percent extending beyond the minimum vegetative buffer shall necessitate a wider buffer. Native waterfront vegetation should be established in the buffer area to stabilize the soils and to protect water quality. Selective removal of dying, diseased, invasive vegetation, and weeds is permitted; however, replacement with native waterfront vegetation is encouraged.
6. **Building design.** Building design shall be consistent with the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#). In addition, the following guidelines shall apply to the maximum extent practical:
 - a. Architectural style or theme. New buildings shall relate to City adopted or approved plans that specify an architectural style or theme for the waterfront. If an approved plan does not exist, but a particular neighborhood in the waterfront has a desirable existing architectural theme or style as determined by the applicable approval authority, then the new buildings in the neighborhood should be compatible with the existing theme.
 - b. Materials. Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, wood, and architectural concrete. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than six (6) inches wide. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of three (3) to six (6) inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are six (6) inches or less in width. Unfinished concrete or masonry units, corrugated metal, plywood, and sheet pressboard are not allowed.
 - c. Colors. Predominate exterior colors should be neutral or earth tone, but bright colors may provide a compatible accent.
 - d. Screening. Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view, including views from Lake Superior.
7. **Views.**

- a. Views of Lake Superior. New structures and plantings shall not be located in a manner that restricts views of Lake Superior from north-south avenues and from public trails.
 - b. Views of Lake Superior from Structure. Where views of Lake Superior are possible from within the structure, the structure design shall maximize views of Lake Superior for employees and customers, considering orientation and window coverage.
 - c. Views from Lake Superior. Views of the proposed development from Lake Superior shall be considered. Landscape screening shall be provided to screen objectionable views (such as refuse collection areas and storage areas) from the perspective of those viewing the development from Lake Superior.
- 8. Parking, access, and circulation.** Parking, access, and circulation shall be as specified in [Section 6.3: Parking and Loading](#) of this Ordinance. In addition, the following guidelines shall apply:
- a. Location of parking. Parking between the principal building and the public right-of-way or between the principal building and Lake Superior is discouraged unless no other practical alternatives exist or unless proper buffering and landscaping measures are used pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).
 - b. Connection to public trail or sidewalk. Pedestrian systems that provide public access to the waterfront should be provided where feasible. The quality of the pedestrian system should be enhanced by means of appropriate landscaping, lighting, graphics, and furnishings. Internal pedestrian systems should coordinate with adopted City plans for public trails, bikeways, walks, and other movement systems associated with the waterfront.
- 9. Landscaping and grading.** Landscaping shall be consistent with the landscaping standards specified in [Section 6.4: Landscaping, Buffers, and Screening](#) and the grading standards specified in [Section 6.1, H.: Grading, Filling, and/or Excavation](#). In addition, the following standards and guidelines shall apply:
- a. Landscaping and grading should provide continuity and harmony between development parcels;
 - b. The use of native landscaping materials is strongly encouraged;
 - c. The modification of existing grades should consider the scenic quality of the waterfront area and storm water management best management practices.
- 10. Signs.** Signs shall be consistent with the standards specified in [Section 6.6: Signs](#). In addition, the following guidelines shall apply:
- a. Signs should enhance the Waterfront Overlay District's visual appeal and its sense of place;
 - b. Signs should not block views of Lake Superior;
 - c. Other than small identification or directional signs, signs should not be placed so that they are visible from Lake Superior;
 - d. Wall signs should be designed to fit within the architectural space intended for signage;

- e. Signs seen in relation to other signs should be compatible in location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification. When viewed as a whole, signs in the district should be seen as having been coordinated. A cluttered, haphazard appearance should be avoided.
11. **Utilities.** All utilities (including, but not limited to, telephone, electrical, and cable) shall be installed underground, where feasible. Utility components required to be above ground (including, but not limited to, transformers and meters) shall be screened by landscaping or decorative wall and/or be located away from public view.

Section 4.47 GTWY-O Gateway Overlay District

A. Intent

This Section specifies general design standards and guidelines that are intended to help enhance and unify the appearance of development along the major roadways leading into and through Ashland. If the City of Ashland has adopted a plan for any area in the GTWY-O Gateway Overlay District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan. Such plans include, but are not limited to, the Ellis Avenue Redevelopment Plan and various plans included in the Ashland Comprehensive Plan.

B. District Boundaries

The Gateway Overlay Districts encompasses those parcels that have full or partial frontage on the following road segments.

1. U.S. Highway 2 (Lake Shore Drive) from the western to the eastern City limits.
2. Beaser Avenue from Binsfield Road to U.S. Highway 2 (Lake Shore Drive).
3. Ellis Avenue from Binsfield Road to U.S. Highway 2 (Lake Shore Drive).
4. Sanborn Avenue from Maple Lane to U.S. Highway 2 (Lake Shore Drive).

C. Administration

1. **General application.** The design standards and guidelines specified in this Section shall apply to all properties with full or partial frontage on the gateway roads specified in this Section.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Compliance with the design standards and guidelines.** Given the pattern of existing development in this District and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the District to be consistent with all of the design standards and guidelines specified in this Section. Consequently, prior to action on a building permit, site plan approval, or other applicable approvals associated with a proposed development application, the appropriate review and approval authority (pursuant to Part 2 of this Ordinance) shall make a determination that the proposed development is consistent with the intent of the design standards and the intent of the design guidelines of this Section when considered as a whole.
4. **Supremacy of regulations.** In some cases, parcels may be in more than one overlay district. In case of any conflict between the regulations applicable in another applicable

overlay district (or the underlying zoning district) and the design guidelines of the Gateway Overlay District, the more restrictive provisions shall take precedence.

D. Design Standards and Guidelines

1. **Intent and application.** The following design standards and guidelines are intended to further the intent of Gateway Overlay District by providing standards and guidelines relating to specific design elements that affect the appearance and function of uses in the Gateway Overlay District. The standards and guidelines are not intended to discourage development, but to encourage development that is functional and attractive. The word “shall” as used in this Ordinance refers to a standard that is a mandatory requirement. The word “should” refers to a guideline that is encouraged and discretionary, but not mandatory.
2. **Building setbacks.** Buildings in the Gateway Overlay District shall meet the setbacks of the underlying district and relate to prevailing setbacks in the area. However, in no case shall a new building (nor an addition to an existing building) be less than fifteen (15) feet from the public right-of-way, regardless of the prevailing setback, except that parcels with frontage on one of the following road segments may be allowed to build up to the right-of-way line consistent with the pattern of existing development and provided such is consistent with the requirements of other applicable jurisdictions:
 - a. Beaser Avenue from Main Street to Lake Shore Drive West (U.S. Highway 2); and
 - b. Ellis Avenue from 6th Street to Lake Shore Drive (U.S. Highway 2);
3. **Building design.** Building design shall be consistent with the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#). In addition, the following guidelines shall apply:
 - a. Materials. Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, and architectural concrete. Unfinished concrete masonry units and corrugated metal or plastic siding shall be prohibited.
 - b. Colors. Predominate exterior colors should generally be neutral or earth tone, but bright colors may provide a compatible accent.
 - c. Walls. Walls over eighty (80) feet in length should be avoided to the extent practical. Where unavoidable, the visual impact of long walls shall be minimized with landscaping, screening, or architectural treatments of the wall (glazing, material changes, relief, etc.) that break up the monotony of the wall pursuant to [Section 6.2: General Building and Site Design Standards and Guidelines](#).
 - d. Screening. Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view.
4. **Parking, access, and circulation.** Parking, access, and circulation shall be as specified in [Section 6.3: Parking and Loading](#) of this Ordinance. In addition, the following guidelines shall apply:
 - a. Location of parking. To the greatest extent possible, no parking shall be allowed in the front yard between the principal building and the public right-of-way. Parking should generally occur to the side or the rear of the principal building.
 - b. Parking area standards. Parking areas in this District shall be asphalt or concrete.

- c. Combining of parking lots. The combining of existing, small, underutilized parking lots to create shared parking areas that are more efficient and more accessible is encouraged.
 - d. Curb-cuts. The number and width of curb-cuts shall be minimized and where feasible shall occur on the side streets rather than the primary roadway. To promote pedestrian circulation, existing continuous curb cuts should be reduced to widths necessary for vehicular traffic.
 - e. Connection to public trail or sidewalk. Where a public trail or sidewalk exists in the public right-of-way, the adjacent development should provide a connection to the trail or sidewalk.
5. **Landscaping.** Landscaping shall be consistent with the landscaping standards specified in [Section 6.4: Landscaping, Buffers, and Screening](#). In addition, the following guidelines shall apply:
- a. Landscaped buffer. Where feasible, a minimum fifteen (15) foot wide landscaped buffer shall screen parking from the public right-of-way. Where a fifteen (15) foot landscaped buffer is not feasible, alternative screening features, such as a decorative fence, may be allowed to help provide an attractive delineation between the public right-of-way and the development.
 - b. Complement streetscape. Landscaping should complement street trees and other streetscape elements in the public right-of-way.
 - c. Vision triangle. Landscaping shall not interfere with the required vision triangle as specified in [Section 6.1, H.: Vision Triangle](#) of this Ordinance.
6. **Signs.** Signs shall be consistent with the standards specified in [Section 6.6: Signs](#). In addition, the following guidelines shall apply:
- a. Signs should enhance the Gateway Overlay District's visual appeal and its ability to attract the traveling public.
 - b. In general, wall signs should be designed to fit within the architectural space intended for signage.
 - c. Signs seen in relation to other signs should be compatible in location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification.
 - d. When viewed as a whole, signs in the district should be seen as having been coordinated. A cluttered, haphazard appearance should be avoided.
7. **Utilities.** All utilities (including, but not limited to, telephone, electrical, and cable) shall be installed underground, where feasible. Utility components required to be above ground (including, but not limited to, transformers and meters) shall be screened by landscaping or decorative wall and/or be located away from public view.

Section 4.48 Reserved

Section 4.49 BCC-O Bay City Creek Overlay District

A. Intent

The intent of the BCC-O Bay City Creek Overlay District is to ensure that new development within the Bay City Creek Corridor helps protect and enhance quality land and water resources in the corridor. More specifically, the intent of the District is as follows:

1. Prevent the loss of high quality visual character in the corridor;
2. Prevent destructive soil erosion and stream siltation;
3. Prevent significant damage to hillsides, bluffs, and valleys caused by improper development; and
4. Prevent the destruction of mature and/or valuable trees and other vegetation and wildlife habitat in the corridor.

B. District Boundaries

The District boundaries shall extend three hundred (300) feet outward from both sides of the ordinary high water mark of Bay City Creek within the city limits of the City of Ashland.

C. Administration

1. **General application.** The provisions of this Section shall apply to all new development in the Bay City Creek Overlay District, including new subdivisions, new construction, and clearing and grading of land.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Supremacy of regulations.** In case of any conflict between the regulations applicable in the underlying zoning district and the regulations of the Bay City Creek Overlay District, the regulations of the Bay City Creek Overlay District shall take precedence.

D. Design Standards

The following design standards shall apply to all new development in the District:

1. **Required undisturbed vegetative buffer.** A minimum undisturbed vegetative buffer of fifty (50) feet shall be maintained on each side of Bay City Creek as measured from the ordinary high water mark. Slopes of twenty (20) percent or more extending beyond the minimum vegetative buffer shall necessitate a wider buffer. Riparian vegetation shall be established, as necessary, and maintained along the stream banks to stabilize the banks and protect water quality. Selective removal of dying, diseased, or invasive vegetation and weeds is permitted; however, replacement with native riparian vegetation is encouraged.
2. **Impervious surface setbacks.** All impervious surfaces shall have a minimum setback of fifty (50) feet from the ordinary high water mark of Bay City Creek and a minimum setback of thirty (30) feet from the top of bluffs. Trails, walks, footbridges, and similar uses shall be exempt from this provision provided they are not constructed in a manner that will cause destructive erosion.
3. **Building setbacks.** All buildings shall have a minimum setback of seventy-five (75) feet from the ordinary high water mark of Bay City Creek and a minimum setback of thirty (30) feet from the top of bluffs.
4. **Grading.** The grading of land for development purposes shall consider the scenic quality of the Bay City Creek Corridor. Fill operations shall not encroach into the required undisturbed vegetative buffer. Required grading shall be varied in contour to present a

natural appearance. Continuity between the grades of adjacent parcels shall be maintained to greatest extent possible.

5. **Additional standards in the PRI Planned Residential Institutional District.** A planned unit development (PUD) in the PRI Planned Residential Institutional District may include additional design standards relating to the Bay City Creek Corridor.

Section 4.50 F-O Floodplain Overlay

A. Intent

The City of Ashland finds that uncontrolled development and use of the floodplains and water bodies in the city would impair the public health, safety, convenience, general welfare, and tax base. Therefore, it is the intent of the F-O Floodplain Overlay to regulate development to accomplish the following:

1. Protect life, health, and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and homebuyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners;
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain;
10. Provide for aesthetically pleasing open space adjacent to Lake Superior and other water bodies in the City of Ashland; and
11. Provide for the protection of natural resources.

B. General Provisions

1. **Areas to be regulated.** This section regulates all areas within the limits of the City of Ashland that would be covered by the regional flood or base flood. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as “A-Zones” on the Flood Insurance Rate Map.
2. **Official floodplain maps.** The boundaries of all floodplain districts are designated as floodplains or “A-Zones” on the Flood Insurance Rate Map (FIRM), community number 550005, panel number 0001, dated September 30, 1977 and panel number 0002, dated September 30, 1977, and the revisions in the City of Ashland Floodplain Appendix, if applicable.
3. **Amendments to the official floodplain maps.** Any changes to the base flood information in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) shall

Helpful Note.

To view copies of the Flood Insurance Rate Maps electronically, visit the [Flood Insurance Rate Maps](#) website. Visit the following website: [Flood Insurance Rate Map tutorial](#) for information on how to read a Flood Insurance Rate map.

follow the amendment procedures described in [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

4. **Establishment of districts.** The Floodplain Overlay is divided into three (3) districts as follows:
 - a. FW Floodway District. The FW Floodway District is the channel of a river or stream (or a portion of water body) and those portions of the floodplain adjoining the channel (or portion of a water body) required to carry the regional floodwaters.
 - b. FF Flood fringe District. The FF Flood fringe District is that portion of the floodplain between the regional flood limits and the floodway.
 - c. GFP General Floodplain District. The GFP General Floodplain District comprises those areas that have been or may be covered by floodwater during the regional flood.
5. **Locating floodplain boundaries and resolving boundary discrepancies.**
 - a. Profile elevation. The Zoning Administrator or Designated Authorized Agent can rely on a boundary derived from a profile elevation to grant or deny a development permit, whether or not a map amendment is required. The Zoning Administrator or Designated Authorized Agent shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Ordinance.
 - b. Discrepancies. Discrepancies between boundaries on the official floodplain zoning map specified in this Section and actual field conditions shall be resolved as follows:
 - (1) If a flood profile exists, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevation shall govern if there are any discrepancies. Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map, the Federal Emergency Management Agency (FEMA) must approve a map amendment, pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#);
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual onsite inspection, and any information provided by the Wisconsin Department of Natural Resources.
 - c. Disputes. Disputes between the Zoning Administrator or Designated Authorized Agent and an owner of owner's agent shall be resolved by the Zoning Board of Appeals pursuant to [Section 3.12: Appeals, Variances, and Boundary Disputes relating to the Floodplain Overlay](#).
6. **Removal of lands from the floodplain.**
 - a. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodplain unless the following conditions are met:
 - (1) The subject area is filled at least two (2) feet above the regional or base flood elevation;
 - (2) The subject area filled is contiguous to land outside the floodplain; and
 - (3) The map is amended pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

- b. Removing land from the floodplain does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact the Federal Emergency Management Agency (FEMA) to request a Letter of Map Change (LOMC).
 - 7. **Compliance.** Any development or use within the areas regulated by this Ordinance shall be in compliance with the terms of this Ordinance and other applicable, local, state, and federal regulations. Unless exempted by law, all government agencies are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if [Section 13.48\(13\) of the Wisconsin Statutes](#) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when [Section 30.2022 of the Wisconsin Statutes](#) applies.
 - 8. **Abrogation and greater restrictions.**
 - a. This Ordinance supersedes all provisions of any zoning ordinance enacted in the City of Ashland under [Section 62.23 of the Wisconsin Statutes](#), which relates to floodplains. If another ordinance is more restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - b. This Ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants, or easements. If this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
 - 9. **Interpretation.** In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Ordinance, required by [Chapter NR 116 of the Wisconsin Administrative Code](#) is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.
 - 10. **Warning and disclaimer of liability.** The flood protection standards of this Ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by human or natural causes. This Ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Ordinance create liability on the part of, or a cause of action against, the City of Ashland or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.
- C. Development Standards Applicable to All Floodplain Districts**
- 1. **Hydraulic and hydrologic analyses.**
 - a. Except as allowed in this subparagraph, no floodplain development shall do any of the following:
 - (1) Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds one one-hundredths (0.01) foot.

Helpful Note.

Refer also to [Part 8: Environmental Protection](#) for additional requirements and standards.

- b. The Zoning Administrator or Designated Authorized Agent shall deny development permits if it is determined the proposed development will obstruct flow or increase regional flood heights one one-hundredths (0.01) foot or more, based on the officially adopted Flood Insurance Rate Map (FIRM) or other adopted map, unless the provisions of Subparagraph c. are met.
- c. Obstructions or increases equal to or greater than one one-hundredths (0.01) foot may only be permitted if amendments are made to this Ordinance, the official floodplain zoning map, floodway lines, and water surface profiles pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#). Any such amendments must be reviewed and approved by the Regional Office of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA).

2. Watercourse alterations.

- a. No development permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator or Designated Authorized Agent has notified in writing all adjacent municipalities, the Regional Office of the Department of Natural Resources, and the Federal Emergency Management Agency (FEMA) and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.
- b. As soon as practical, but not later than six (6) months, after the date of the watercourse alteration or relocation, the Zoning Administrator or Designated Authorized Agent shall notify the Federal Emergency Management Agency (FEMA) of the changes by submitting appropriate technical or scientific data in accordance with National Flood Insurance Program (NFIP) guidelines that shall be used to revise the Flood Insurance Rate Map (FIRM), risk premium rates, and floodplain management regulations as required.

3. Development of docks, piers, wharves, bridges, and similar structures. Development that requires a permit from the Wisconsin Department of Natural Resources under [Chapter 30 of the Wisconsin Statutes](#) and [Chapter 31 of the Wisconsin Statutes](#), such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, base flood elevations established in the Flood Insurance Study, or other data from the officially adopted Flood Insurance Rate Map (FIRM), or other floodplain zoning maps or the provisions of this Section are made pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

4. Public or private campgrounds. Public or private campgrounds in the Floodplain Overlay shall have a low flood damage potential and shall meet the following provisions:

- a. The campground is approved by the Wisconsin Department of Health Services;
- b. A development permit for the campground is issued by the Zoning Administrator or Designated Authorized Agent;
- c. The character of the water body and the elevation of the campground are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;
- d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. The procedure shall include a written agreement between the campground owner, the

local emergency government coordinator, and chief law enforcement official, which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used, and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- e. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated (by the officials specified in Subparagraph d. above) to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations;
- f. Only camping units are allowed;
- g. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;
- h. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all provisions of this Section;
- i. The City of Ashland shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section;
- j. All camping units that remain in place for more than one hundred eighty (180) consecutive days shall meet the applicable requirements Subsection D or Subsection E of this Section for the floodplain district in which the structure is located;
- k. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued;
- l. All service facilities, including, but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems, and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

D. Development Standards Applicable to the FW Floodway District

- 1. **Applicability.** This Subsection applies to all floodway areas on the official floodplain zoning maps or as may be amended pursuant to this Section.
- 2. **Permitted uses.** The following open space uses shall be allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited in the underlying zoning district, they meet the standards of this Subsection, and all permits or certificates have been issued pursuant to this Ordinance:
 - a. Agricultural uses, including, but not limited to, farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting;
 - b. Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips;
 - c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing

areas, and hiking and horseback riding trails, subject to the fill limitations of this Subsection;

- d. Uses or structures accessory to open space uses, or classified as historic structures that comply with this Subsection;
- e. Extraction of sand, gravel, or other materials that comply with this Subsection;
- f. Functionally water-dependent uses, such as docks, piers, wharves, dams, flowage areas, culverts, navigational aids, and river crossings of transmission lines and pipelines that comply with *Chapter 30 of the Wisconsin Statutes* and *Chapter 31 of the Wisconsin Statutes*;
- g. Public utilities, streets, and bridges that comply with this Subsection.

3. **Standards for development in floodway areas.**

a. General.

- (1) Any development in floodway areas shall comply with Subsection C, General Standards Applicable to All Floodplain Districts and have low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to the hydraulic and hydrologic analyses specified in Subsection C:
 - A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator or Designated Authorized Agent shall deny the development permit application if the project will increase flood elevations upstream or downstream one one-hundredths (0.01) foot or more, based on the data submitted in Clause (2) above.

b. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) The structure is not designed for human habitation and does not have a high flood damage potential;
- (2) The structure must be anchored to resist flotation, collapse, and lateral movement;
- (3) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (4) The structure must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

c. Public utilities, streets, and bridges. Public utilities, streets, and bridges may be allowed by permit if the following conditions are met:

- (1) Adequate flood proofing measures are provided to the flood protection elevation; and

- (2) Construction meets the development standards specified in *Subsection C.,1.* of this Section.
- d. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if the following conditions are met:
 - (1) The requirements of *Subsection C.,1.* of this Section are met;
 - (2) No material is deposited in the navigable channel unless a permit issued by the Wisconsin Department of Natural Resources pursuant to [Chapter 30 of the Wisconsin Statutes](#), and a permit pursuant to *Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 United States Code 1344* has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous material.
- 4. **Prohibited uses.** All uses not listed as permitted uses in the Floodway District are prohibited, including the following uses:
 - a. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
 - b. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Wisconsin Department of Natural Resources approved campgrounds that meet the applicable provisions of local ordinances and [Chapter SPS 383 of the Wisconsin Administrative Code](#).
 - e. Any public or private wells that are used to obtain potable water, except those for recreational areas that meet the requirements of the City of Ashland's ordinances and [Chapter NR 811 of the Wisconsin Administrative Code](#) and [Chapter NR 812, Wisconsin Administrative Code](#);
 - f. Any solid or hazardous waste disposal sites;
 - g. Any wastewater treatment ponds or facilities, except those permitted under [Section NR 110.15,\(3\),\(b\) of the Wisconsin Administrative Code](#); or
 - h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

E. Development Standards Applicable to the FF Flood fringe District

- 1. **Applicability.** This Subsection applies to flood fringe areas shown on the official floodplain zoning maps or as may be amended pursuant to this Section.
- 2. **Permitted uses.** Any structure, land use, or development is allowed in the Flood fringe District if they are not prohibited in the underlying zoning district, they meet the standards of this Subsection, and all permits or certificates have been issued pursuant to this Ordinance.

3. **Standards for development in flood fringe areas.** In addition the following requirements, any development in floodway areas shall comply with Subsection C, General Standards Applicable to All Floodplain Districts and have low flood damage potential.
- a. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area, shall meet or exceed the following standards:
- (1) The elevation of the lowest floor, excluding the basement or crawlspace, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Wisconsin Department of Natural Resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - (2) The basement or crawlspace floor may be placed at the regional flood level if it is floodproofed to the flood protection elevation. No basement or crawlspace floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Clause (4) below;
 - (4) In development where existing street or sewer line elevations make compliance with Clause (3) above impractical, the City of Ashland may permit new development and substantial improvements where access roads area at or below the regional flood elevation if one or more of the following conditions are met:
 - The City of Ashland has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Wisconsin Department of Natural Resources.
- b. Accessory structures or uses.
- (1) Except as provided in Clause (2) below, an accessory structure that is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - (2) An accessory structure that is not connected to the principal structure and that is less than six hundred (600) square feet in size and valued at less than ten thousand dollars (\$10,000) may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second and it meets all the provisions of *Subsection D.,3.,b.,Structures* of this Section and *Subsection E.,3.,e., Storage of Materials* of this Section.
- c. Commercial uses. Any commercial structure that is erected, altered, or moved into the floodfringe area shall meet the requirements of this Subsection. Subject to the requirements of *Subsection E.,3.,e., Storage of Materials* of this Section, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- d. Manufacturing and industrial uses. Any manufacturing and industrial structure that is erected, altered, or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures specified in this Section. Subject to the requirements of *Subsection E., 3., e., Storage of Materials*, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with this Section. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f. Public utilities, streets, and bridges. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans and as follows:
 - (1) When failure of public utilities, streets, and bridges would endanger public health or safety, or where such utilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with this Section to the flood protection elevation; and
 - (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- g. Sewage systems. All onsite sewage disposal systems shall be floodproofed, pursuant to this Section, to the flood protection elevation and shall meet the provisions of all local ordinances and *Chapter SPS 383 of the Wisconsin Administrative Code*.
- h. Wells. All wells shall be floodproofed, pursuant to this Section, to the flood protection elevation and shall meet the provisions of *Chapter NR 811 of the Wisconsin Administrative Code* and *Chapter NR 812 of the Wisconsin Administrative Code*.
- i. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j. Deposition of materials. Any deposited material must meet all the provisions of this Ordinance.
- k. Manufactured homes.
 - (1) Owners or operators of all manufactured home communities and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home communities, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation and be anchored so they do not float, collapse, or move laterally during a flood.
 - (3) Outside of existing manufactured home communities, including new manufactured home communities and all single units outside existing manufactured home communities, all new, replacement, and substantially

improved manufactured homes shall meet the residential development standards for the flood fringe as specified in this Section.

1. Mobile recreational vehicles. All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements specified in this Section. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has not permanently attached additions.

F. Development Standards Applicable to the GFP General Floodplain District

1. **Applicability.** The provisions of the General Floodplain District shall apply to all floodplains for which flood profiles are not available or where flood profiles are available, but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate information is available.
2. **Permitted uses.**
 - a. Pursuant to *Subsection F., 4., Determining Floodway and Flood fringe Limits*, it shall be determined whether the proposed use is located within a floodway or flood fringe area.
 - b. Those uses permitted in the floodway and flood fringe areas as specified in this Section are allowed within the General Floodplain District, according to the standards of this Subsection and provided that all permits or certificates required under this Section have been issued.
3. **Standards for development in the General Floodplain District.** Subsection D., Development Standards Applicable to the FW Floodway District applies to floodways. Subsection E., Development Standards Applicable to the FF Flood fringe District applies to flood fringe areas. All other provisions of this Section apply to either district.
4. **Determining floodway and flood fringe limits.** Upon receiving an application for development within the general floodplain district, the Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Require the applicant to submit two copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and floodproofing measures;
 - b. Require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries:
 - (1) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

- (3) Profile showing the slope of the bottom of the channel or flow line of the stream; and
 - (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- c. Transmit one copy of the information described in 4.,a. and 4.,b. of this Subsection to the Regional Office of the Wisconsin Department of Natural Resources with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. If a development permit is required, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Section 4.51 WET-O Wetland Overlay District

A. Intent

Uncontrolled use of the shoreland and wetlands and pollution of the navigable waters of City of Ashland would adversely affect the public health, safety, convenience, and general welfare, and impair the tax base. Consequently, the intent of the WET-O Wetland Overlay District is to accomplish the following:

1. Promote the public health, safety, convenience, and general welfare;
2. Maintain the storm and flood water storage capacity of wetlands;
3. Prevent and control water pollution by preserving wetlands, which filter or store sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Protect fish, their spawning grounds, other aquatic life, and wildlife by preserving wetlands and other aquatic habitat;
5. Prohibit certain uses detrimental to the shoreland and wetland areas; and
6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland and wetland excavation, filling and other earth moving activities.

B. General Provisions

1. **Compliance.** The use of wetlands and the alteration of wetlands within the City of Ashland shall be in full compliance with the provisions of this Ordinance and other applicable, local, state, or federal regulations. All permitted development shall require the issuance of a development permit or building permit unless otherwise expressly excluded by this Ordinance. Unless exempted by law, all government agencies are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if [Section 13.48\(13\) of the Wisconsin Statutes](#) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when [Section 30.12,\(4\),\(a\) of the Wisconsin Statutes](#) applies.
2. **Abrogation and greater restrictions.**
 - a. This Ordinance supersedes all provisions of any ordinance adopted by the City of Ashland under [Section 62.23 of the Wisconsin Statutes](#), which relates to floodplains and shoreland-wetlands, except that where another applicable ordinance is more

restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- b. This Ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

- 3. **Interpretation.** In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Ordinance is required by a standard in [Chapter NR 117 of the Wisconsin Administrative Code](#), and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

C. District Boundaries

- 1. **Wetland zoning maps.** The following maps are hereby adopted and made part of this Ordinance and are on file in the Office of the Clerk of the City of Ashland:
 - a. Wisconsin Wetland Inventory maps stamped “FINAL” on December 17, 1985;
 - b. Floodplain zoning maps titled “Flood Insurance Rate Map” dated September 30, 1977;
 - c. United States Geological Survey quadrangle maps current at the time of the adoption of this Ordinance; and
 - d. Official City Zoning Map.
- 2. **District boundaries.** The Wetland Overlay District includes, at a minimum, all wetlands in the City of Ashland that are five (5) acres or more and that are shown on the Wisconsin Wetland Inventory Map stamped “Final”, which has been adopted and made a part of this Ordinance, and provided that the wetlands are consistent with the following conditions:
 - a. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the city shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this Ordinance; or
 - b. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this Ordinance. The adopted Flood Insurance Rate Maps or other adopted community floodplain maps used to delineate the floodplain area shall be used to determine the extent of the floodplain areas.
- 3. **Determinations of navigability and ordinary high water mark location.** Determinations of navigability and ordinary high water mark locations shall be made by the Zoning Administrator or Designated Authorized Agent. When questions arise, the Zoning Administrator or Designated Authorized Agent shall contact the Regional Office of the

Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high water mark.

4. **Discrepancies between the official maps and field conditions.** When an apparent discrepancy exists between the Wetland Overlay District boundary shown on the adopted maps and actual field conditions at the time the maps were adopted, the Zoning Administrator or Designated Authorized Agent shall contact the appropriate District Office of the Wisconsin Department of Natural Resources to determine if the Wetland Overlay District boundary as mapped, is in error. If the Wisconsin Department of Natural Resources staff concur with the Zoning Administrator or Designated Authorized Agent that a particular area was incorrectly mapped as a wetland, the Zoning Administrator or Designated Authorized Agent shall have the authority to immediately grant or deny a development permit or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in this Section, the Zoning Administrator or Designated Authorized Agent shall be responsible for initiating a map amendment within a reasonable time.
5. **Additional wetlands.** From time to time the City of Ashland may amend this Ordinance to include additional wetlands in this District pursuant to the procedures specified in Section 3.7., Map and/or Text Amendment to the Wetland Overlay District.

D. Uses

1. **Permitted uses.** The following uses are permitted subject to the provisions of [Chapter 30 of the Wisconsin Statutes](#) and [Chapter 31 of the Wisconsin Statutes](#), and the provisions of all other applicable local, state, and federal laws:
 - a. Activities and uses that do not require the issuance of a development permit or building permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning, and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
 - b. Uses that do not require the issuance of a development permit or building permit and that may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures that are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

- (3) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and fill necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District, provided that such installation or maintenance is done in a manner designed to minimize impacts upon the natural functions of the wetland specified in this Section; and
 - (7) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- c. Uses that are allowed upon the issuance of a development permit or building permit and that may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads that are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted under this Section, provided that the following conditions are met:
 - The road cannot, as a practical matter, be located outside the wetland;
 - The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland specified in this Section;
 - The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - Road construction activities are carried out in the immediate area of the roadbed only; and
 - Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that the following conditions are met:
 - The building is used solely in conjunction with a use permitted in this Section or for the raising of waterfowl, minnows, or other wetland or aquatic animals;
 - The building cannot, as a practical matter, be located outside the wetland;
 - The building does not exceed five hundred (500) square feet in floor area; and

- Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural, and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves, and public boat launching ramps, provided that the following conditions are met:
 - Any private development under this clause shall be used specifically for the permitted purpose;
 - Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the construction of park shelters, or similar structures is allowed;
 - The construction and maintenance of roads necessary for the uses permitted under this Clause are allowed only where such construction and maintenance meets the criteria specified in Subsection D., 1., c.,(1) of this Section; and
 - Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines, sewage collection lines and related facilities, and the construction and maintenance of railroad lines provided that the following are conditions are met:
 - The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - Only limited filling and excavating necessary for such construction or maintenance is allowed; and
 - Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland as specified in [Section 3.7: Map and/or Text Amendments to the Wetland Overlay District](#).

2. Prohibited uses.

- a. Any use not listed as a permitted use in this Section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance pursuant to [Section 3.7: Map and/or Text Amendments to the Wetland Overlay District](#).
- b. The use of a boathouse for human habitation, and the construction or placement of a boathouse or fixed boathouse below the ordinary high water mark of any navigable waters, is prohibited.

Section 4.52 - 4.54 (Reserved for potential additional overlay districts other than PUDs.)

Section 4.55 PUD Planned Unit Development Overlay District

A. Intent

The Planned Unit Development (PUD) Overlay District is intended to encourage efficient use of land and provision of amenities by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the parcel restrictions of the standard or underlying zoning districts of this Ordinance.

B. Applicability

1. **Ownership.** A tract of land proposed to be developed as a planned unit development (PUD) shall be under the control of a single owner, partnership, corporation, or association where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easement, and other provisions with Ashland County.
2. **Minimum area.** A planned unit development shall have a minimum of ten (10) acres unless specified otherwise in this Ordinance. However, the Zoning Administrator, Plan Commission or Designated Authorized Agent may waive the minimum area requirement if the Zoning Administrator, Plan Commission or Designated Authorized Agent finds that it is in the best interest of the community to allow a planned unit development with an area of less than ten (10) acres.
3. **Condominium projects.** Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as Planned Unit Development if, as a result of a condominium division of the land, the parcel requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting parcel size would be less than otherwise required.
4. **Conservation subdivision development.** Conservation subdivision developments pursuant to [Section 4.56 Conservation Subdivision Overlay District](#) shall be processed in accordance with the planned unit development provisions of this Section.
5. **Traditional neighborhood design development.** Traditional neighborhood design developments pursuant to [Section 4.57: Traditional Neighborhood Design Overlay District](#) shall be processed in accordance with planned unit development provisions of this Section.

C. Administration

Refer to [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay District](#) for application and administration of the Planned Unit Development (PUD) Overlay District.

Section 4.56 Conservation Subdivision Overlay District

A. Intent

The intent of this Section is to allow the optional development and redevelopment of land in the City of Ashland consistent with the principles of conservation subdivision developments and in accordance with planned unit development (PUD) procedures. For the purpose of this Ordinance, a conservation subdivision development is intended to allow for a more compact layout of rural residential uses than is typically allowed in conventional rural residential development in return for the conservation of a large contiguous area of common open space that helps conserve rural character or significant natural or cultural resources. More specifically, the intent of the Conservation Subdivision Overlay District is as follows:

1. Guide the future growth and development of the community consistent with the City of Ashland's adopted Comprehensive Plan;

2. Guide the detailed analysis of land so as to locate and coordinate appropriate areas for development and conservation;
3. Preserve rural character through the permanent preservation of meaningful open space and sensitive natural resources;
4. Preserve scenic views by minimizing views of new development from existing roads;
5. Preserve agricultural land by concentrating housing on lands that have low agricultural potential;
6. Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
7. Provide for a diversity of parcel sizes, housing choices, and building densities to accommodate a variety of age and income groups;
8. Provide buffering between residential development and non-residential uses;
9. Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to significant existing vegetation, and maintain environmental corridors;
10. Preserve significant archaeological sites, historic buildings, and their settings; and
11. Meet demand for housing in a rural setting.

B. Applicability

A conservation subdivision development is allowed pursuant to the following conditions:

1. **Allowable underlying zoning district.** A conservation subdivision development shall only be allowed in the FD Future Development District;
2. **Minimum area.** A conservation subdivision development shall have a minimum area of twenty acres (20) acres or more;
3. **Minimum of four residential parcels.** The conservation subdivision development shall have at least four (4) residential parcels;
4. **Planned unit development.** A conservation subdivision development shall be designed and processed pursuant to the planned unit development procedures specified in [Section 4.55 PUD Planned Unit Development Overlay District](#) and [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay](#); and
5. **Plat.** The creation of a conservation subdivision shall require preliminary and final plat approval pursuant to [Section 3.23: Preliminary Plat](#) and [Section 3.24: Final Plat](#).

C. Permitted Uses and Density

1. **Permitted uses.** Single-family detached residential dwellings, agriculture, parks, open space, and similar and related uses are the only permitted uses in a conservation subdivision development. Commercial and industrial uses shall be prohibited.
2. **Overall density and development yield.** The overall density for the parent parcel is the same as would be allowed for a conventional development in the FD Future Development District, except the base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a development yield bonus of five (5) percent in addition to the base development yield. The maximum bonus permitted is twenty (20) percent.

- a. Endowment. Creation of an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs relating to taxes, insurance, maintenance, enforcement, and similar items.
- b. Public access. Provision of access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
- c. Affordable housing. Provision of affordable housing, to include a minimum of twenty-five (25) percent of all units that would be affordable to moderate income households, as defined by the United State Department of Housing and Urban Development.
- d. Historical buildings. Reuse of historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The United States Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

D. Design Standards

1. **Design theme.** Conservation subdivision developments shall develop a conservation theme or themes. This theme shall be identified at the time of the initial planned unit development (PUD) application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The Plan Commission shall have the ability to specify which areas shall be preserved.
2. **Residential parcel requirements.**
 - a. Parcel size. The minimum parcel size with onsite septic shall be one (1) acre. The minimum parcel size with off-site or community septic shall be one-quarter (1/4) acre.
 - b. Setback requirements for principal buildings. The setbacks of underlying FD Future Development District may be modified as follows for an approved conservation subdivision development:
 - (1) Minimum principal building setback from the front parcel line or corner street side parcel line: Twenty five (25) feet;
 - (2) Minimum principal building setback from interior side parcel line: Eight (8) feet;
 - (3) Minimum principal building setback from rear parcel line: Thirty-five (35) feet.
 - c. Height requirements for principal buildings. Principal buildings shall not exceed two stories above grade or thirty-five (35) feet in height.
 - d. Size, height, and setback requirements of accessory buildings. The size, height, and setback requirements shall be as specified in [Section 5.6, A.: Accessory Building](#).
 - e. Maximum impervious coverage. Parcels shall be configured to minimize the amount of impervious surfaces, but in no case shall the impervious coverage of parcel exceed thirty-five (35) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

- f. Access. Most parcels shall take access from an interior local street. However existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.
- g. Streets. Parcels shall, to the maximum extent practical, be configured to minimize the amount of street length required for the development.
- h. Development envelopes. Development envelopes shall, to the maximum extent practical, be configured to minimize the loss of trees and other significant resources. Development envelopes shall not be located on ridges, hilltops, along peripheral public roads, or in other visually prominent areas.
- i. Agricultural uses. If agricultural uses are being maintained, parcels shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- j. Common open space. All parcels within a neighborhood should abut common open space on at least one side. A local street may separate parcels from open space. Parcels should generally be oriented around a central green square and/or a physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
- k. Energy efficiency. Residential structures should be sited to maximize energy efficiency.

3. Residential cluster siting standards and guidelines.

- a. Residential clusters. All residential parcels and dwellings shall be grouped into clusters. Each cluster shall contain no less than four (4) dwelling units and no more than twenty (20) dwelling units.
- b. Location of residential clusters. Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between compatible uses.
- c. Encroachment on significant natural resources prohibited. Residential clusters shall avoid encroaching on rare plant communities, sites with high environmental or cultural qualities, or endangered species identified by the Department of Natural Resources.
- d. Connections to adjacent open space. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- e. Siting criteria. Residential clusters shall be sited to achieve the following goals, to the extent practical:
 - (1) Minimize impacts to agricultural uses and avoid interference with normal agricultural practices;
 - (2) Minimize disturbance to woodlands, wetlands, grasslands, and specimen trees;
 - (3) Prevent downstream impacts due to runoff through adequate onsite storm water management practices pursuant to the provisions of this Ordinance;
 - (4) Protect scenic views of open land from adjacent roads. Visual impact shall be minimized through use of landscaping or other features; and

- (5) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- f. Landscape screening. Landscaping around the cluster may be necessary to reduce off-site views of residence.

4. Common open space design standards and guidelines.

- a. Ownership and use. The minimum common open space required shall be owned and maintained under one of the alternatives listed in this Section and as approved by the Common Council. The uses within the open space shall be accessible to residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required common open space shall be undivided and restricted in perpetuity from future development as specified in this Section.
- b. Minimum area. Common open space shall be designated as part of the development. The minimum required common open space is sixty (60) percent of the gross acreage.
- c. Priorities. The areas to be preserved as common open space shall be identified on an individual basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site. In general, common open space priorities shall be as follows:
 - (1) First priority shall be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes;
 - (2) Second priority shall be given to areas providing some plant and wildlife habitat and open spaces values;
 - (3) Third priority shall be given to areas providing little habitat, but providing viewshed, recreation, or a sense of open space.
- d. Allowable structures. The following areas or structures may be located within the common open space area and shall be counted toward the overall common open space percentage required:
 - (1) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space;
 - (2) Privately held buildings or structures provided they are accessory to the use of the common open space;
 - (3) Shared septic systems and shared potable water systems.
- e. Street right-of-ways. Street right-of-ways shall not be counted toward the required minimum common open space.
- f. Water bodies. No more than fifty (50) percent of the required common open space may consist of water bodies, ponds, floodplains, or wetlands.
- g. Plant and animal habitat. That portion of the common open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas to the extent practical.

- h. Recreational use. Accessible common open space in upland areas shall be available for recreational uses such as trails, play areas, or community gardens, but shall be designed in a manner that avoids adversely impacting archaeological sites.
 - i. Trails. A trail system connection common open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the conservation subdivision plan.
- 5. Sewage and water facilities.**
- a. Drinking water. Unless municipal water service is readily available, water for a conservation subdivision shall be provided by individual onsite wells or by one or more community wells meeting the requirements of the State of Wisconsin and the City of Ashland. The use of shared or community wells is encouraged. Plans for shared or community wells shall include a wellhead protection plan with separation distances for the zones of influence and sources of pollution.
 - b. Sanitary sewer. Unless municipal sanitary sewer is readily available, sewer for a conservation subdivision shall be provided with an onsite sewage system that complies with the requirements of the State of Wisconsin and the City of Ashland. The use of a common sewage treatment system and disposal unit located on the common open space is encouraged.

Section 4.57 Traditional Neighborhood Design Overlay District

A. Intent

The intent of this Subsection is to allow the optional development and redevelopment of land in the City of Ashland consistent with the principles of traditional neighborhood design and in accordance with planned unit development (PUD) procedures. For the purpose of this Ordinance, a traditional neighborhood design is intended to have the following characteristics:

1. A more compact layout of buildings and uses than is typically allowed in conventional developments;
2. An emphasis on building and site design that relates well to the human scale;
3. A mixture of uses that may include residential, commercial, civic, light industries, green industries, and open spaces in close and harmonious relationship with one another in the neighborhood;
4. A mixture of housing styles, types, and sizes to accommodate a variety of household ages, sizes, and incomes;
5. A system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists, and provides for connections to existing and future developments;
6. Preservation of existing buildings with historical or architectural features that enhance the visual character of the community;
7. Incorporation of significant environmental features into the development; and
8. Consistency with the goals, objectives, policies, and plans of the adopted Comprehensive Plan of the City of Ashland.

B. Applicability

A traditional neighborhood design development may be allowed pursuant to the following:

1. **Allowable underlying zoning districts.** A traditional neighborhood design development shall only be allowed in the following underlying zoning districts:
 - a. MRC Mixed Residential/Commercial District;
 - b. PRI Planned Residential/Institutional District;
 - c. CC City Center District;
 - d. W-MRC Waterfront Mixed Residential/Commercial District;
 - e. W-CRM Waterfront Conference/Residential Mix; or
 - f. W-CC Waterfront City Center District.
2. **Minimum area.** A traditional neighborhood design development shall have an area of at least twenty (20) acres if located in the PRI Planned/Residential Institutional District or at least ten (10) acres if located in another allowable district. However, the Common Council can waive the minimum area requirement if the Council finds that the proposed development is consistent with the intent of this Section and that the development would be in the best interest of the community.
3. **Planned unit development.** A traditional neighborhood design development shall be designed and processed pursuant to the planned unit development procedures specified in [Section 4.55: PUD Planned Unit Overlay District](#) and [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay District](#).
4. **Plat.** The creation of a traditional neighborhood design development shall require preliminary and final plat approval pursuant to [Section 3.23: Preliminary Plat](#) and [Section 3.24: Final Plat](#).

C. Uses

Traditional neighborhood design developments shall have a mixture of uses consistent with the permitted uses and conditional uses in the underlying zoning district. In cases where a traditional neighborhood design involves infill or redevelopment, existing adjacent uses may help satisfy the desired mixture of uses. The mixture of uses shall be consistent with the following criteria:

1. **Residential.** To the maximum extent practical, the development shall provide a mixture of housing to address the diverse needs of the community. Housing may include single-family detached dwellings, single-family attached dwellings, multi-family dwellings, accessory dwellings, community living arrangements, and assisted living facilities where appropriate in the underlying districts. The housing shall also be designed to address a diverse range of incomes.
2. **Commercial.** A variety of commercial uses that cater to the daily needs of the development shall be provided within the development. Such uses may include neighborhood convenience stores, coffee shops, personal service uses, and similar uses. Individual commercial uses shall not exceed two thousand five hundred (2,500) feet. Commercial uses shall be designed and placed to promote pedestrian access.
3. **Industry.** Light industries and/or green industries may be appropriate in certain underlying districts. Industry shall be compatible with the residential and commercial uses in the development.

4. **Public, civic, and institutional uses.** Where feasible, public, civic, and institutional uses shall be integrated into the development. Such uses may include schools, religious institutions, community centers, and similar uses.
5. **Open space.** At least ten (10) percent of the development shall consist of common open space accessible to the public. The type of open space will depend on the underlying zoning district in which the development is located.
6. **Ratio of residential to non-residential uses.** The total area of non-residential uses shall not exceed twenty-five (25) percent of the total area of the traditional neighborhood design development.

D. Design Standards and Guidelines

A traditional neighborhood design development shall be designed with coordinated and harmonious building and site design integrated throughout the entire development. In addition to the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#), design standards for traditional neighborhood design developments are as follows:

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other dimensional requirements shall be similar to the dimensional requirements of the underlying zoning district. However, the dimensional requirements can be adjusted pursuant to the planned unit development (PUD) procedures of this Ordinance.
2. **Distinct character.** A variety of architectural features and building materials shall be provided to give each building or group of buildings a distinct character that relates to the overall theme of the development.
3. **Building height.** Buildings shall not exceed the height requirements of the underlying zoning district. Buildings shall generally be no more than thirty (30) percent taller or thirty (30) percent shorter than the average building height on the block.
4. **Entries and facades.** The maximum extent practical, entries and facades shall comply with the following guidelines:
 - a. The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street;
 - b. The front façade of the principal building on any parcel shall face onto a public street;
 - c. The front façade shall not be oriented to face directly toward a parking lot;
 - d. All building entrances shall be clearly identified through architectural features;
 - e. For commercial buildings, a minimum of fifty (50) percent of the front façade on the street level shall be transparent, consisting of window and door openings that allow views into and out of the interior; and
 - f. New structures on opposite sides of the same street shall follow similar design guidelines.
5. **Exterior signage.** A comprehensive sign program is required for the entire development that establishes a uniform theme. Signs shall have a common style based on size, shape, color, and material.

6. **Landscaping and screening.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. Larger, well-placed contiguous plantings are preferred to smaller disconnected areas.
7. **Energy efficiency.** Structures should be sited to maximize energy efficiency.

Sequential Ordinance No. 2020-1935

Chapter No. 781 (1764)

ORDINANCE TO REPEAL AND REPLACE SECTION 5.IE, CHAPTER 781 (1764), ASHLAND CITY ORDINANCES, UNIFIED DEVELOPMENT ORDINANCE (UDO)

An ordinance adopted by the Common Council for the City of Ashland at its regular meeting of July 28, 2020, for the purpose of amending the City's Unified Development Ordinance (UDO) to allow Accessory Dwelling Units (ADUs) in all zoning districts where they are listed as permitted uses.

SECTION 1:

Section 5.1E is repealed and replaced 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.

2. Purpose: The allowance of ADUs and associated specific use standards are intended to accomplish the following:

- a. Allow efficient use of the city's existing housing stock and infrastructure;
- b. Promote a broader range of accessible and more affordable housing
- c. Increase diversity of housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;
- d. Ensure that new ADUs meet standards for housing and architecturally fit with the neighborhood in which they are located.

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.

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.

e.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.

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SECTION II

Effective Date of Ordinance. This Ordinance shall take effect upon passage and publication.



Councilperson

PASSED: ~~July 28, 2020~~
PUBLISHED: ~~August 5, 2020~~



ATTEST: Denise Oliphant, City Clerk



Debra S. Lewis, Mayor

APPROVED AS TO FORM:



Tyler Wickman, City Attorney

5.6 Accessory Uses And Other Uses

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

1. **Size of accessory buildings on residential parcels.**
 1. 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.**
 1. 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.
 2. 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, unless issued a conditional use permit pursuant to Section 3.9: Conditional Use Permit. 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. A conditional use permit shall not be issued for an accessory building with a height that is not in accordance with this subsection.
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

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Commented [SW2R1]: I want to put a height limit of 20 feet and one story typically and in the specific case of a ADU above a garage 25 feet.

Commented [KP3]: I recommend keeping this sentence as it is clear how the building height will be measured

Commented [KP4]: Either need language such as this sentence or need to revise most of Section 4 of the Zoning Code for each zoning district where it states that a conditional use is permitted for an "accessory building, if the building exceed the pertinent standard specified in Section 5.6A." This language is in almost every zoning district section in Section 4. If do not want to allow a conditional use permit for any aspect of the accessory building that is not in accordance with 5.6A, then can delete all of the references to accessory buildings as a condition use in Section 4. If only want to not permit a CUP for an accessory building over the height limit, then I suggest this language.

[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:
 1. 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.](#)
 2. 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.
 3. ~~Conditional use permit. An accessory building may be constructed prior to a principal structure on a parcel with the issuance of a Conditional Use Permit pursuant to Section 3.9: Conditional Use Permit and with the following standards and conditions:~~
 1. ~~The accessory building shall be located on a parcel contiguous to a parcel of the same ownership on which a conforming principal use is established. If this condition is no longer met after the accessory building is established, a principal building shall be established on the same parcel as the Conditional Use Permit—approved accessory building within twenty four (24) months. The foregoing use restrictions shall be recorded by the applicant on both parcels affected by the Conditional Use Permit, and proof of recording shall be provided to the Zoning Administrator or Designated Authorized Agent. In the event that the terms of this use restriction are violated, the Conditional Use Permit shall be revoked and the accessory building shall be removed upon issuance of a written order from the Zoning Administrator or Designated Authorized Agent.~~
 2. ~~The location of the accessory building shall ensure ample room for the establishment of a principal building in a location that substantially conforms to the terms of this ordinance and that is compatible with established uses in the vicinity, including but not limited to: setbacks, maximum parcel coverage, and minimum parcel size.~~
 3. ~~On parcels zoned R-1, R-2, R-3, R-4 and MHC, no accessory building constructed prior to a principal building shall exceed one thousand two hundred (1,200) square feet in area.~~

~~4. The Plan Commission may place such other conditions on the construction of the accessory building and related parcel improvements as it deems necessary to protect the use, character, safety and value of the property and other properties in the area.~~

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 ~~or twenty (20) feet in height~~ **in the FD Future Development District** shall comply with Section 4.37, D.: Design Standards and Guidelines for Agricultural Buildings and Other Accessory Buildings.
2. **Accessory Structures.** Accessory structures, not elsewhere defined or regulated, shall comply with the following conditions:
 1. **Size of accessory structures on residential parcels.**
 1. 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 ~~not~~ exceed twenty feet (20) in height and one (1) story, except in the case of an accessory structure building containing an accessory dwelling unit located above a garage constructed on a parcel already containing a principal building, unless issued a conditional use permit pursuant to Section 3.9: Conditional Use Permit. 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. A conditional use permit shall not be issued for an accessory structure with a height that is not in accordance with this subsection.
4. **Storage Canopy.** Storage canopies as defined shall comply with the following conditions.
 1. Storage canopies shall be located in an interior side yard or rear yard;
 2. Shall be limited to one (1) storage canopy per parcel;
 3. 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;
 4. Shall not be located on a vacant parcel; and
 5. Shall be maintained in a reasonable state of repair to prevent them from becoming a public nuisance.
 6. 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. ~~All other accessory structures not elsewhere defined or regulated may be permitted through a Conditional Use Permit pursuant to Section 3.9: Conditional Use Permit and with the standards and conditions applicable to an accessory building under Section 5.6 A., 10., c.~~

Commented [SW5]: Need to decide if we want to allow greater heights than 20 feet only in the FD zoning district.

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Commented [KP6]: Section 4.37 D3 currently states that the maximum height of an accessory building in the FD District is 35 feet. If want it to be 20 feet will need to amend 4.37D3 and this section

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Commented [SW9R8]: I would put a 25 foot limit.

Commented [KP10]: I recommend keeping this sentence as it is clear how the building height will be measured

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.

PART 12

DEFINITIONS

Section 12.1 General

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. If questions arise as to the interpretation of common usage terms, the Zoning Administrator or Designated Authorized Agent of the City shall refer to the definitions contained in *Merriam-Webster's Collegiate Dictionary – Eleventh Edition* or subsequent editions. Interpretations of land use activities shall be based on the most current *North American Industry Classification System (NAICS)*, *Office of Management and Budget (OMB)*, or subsequent editions. Interpretations of terms related to structures shall be based on the applicable building codes.

Section 12.2 Defined Terms

For the purpose of this Ordinance, certain words as used herein are defined as follows:

A

A-Zones. Those areas shown on the Official Floodplain Zoning Map that would be inundated by the regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Abandoned vehicle. Any vehicle that has been left unattended without the permission of the property owner for more than forty-eight (48) hours. Refer to *Section 342.40 of the Wisconsin Statutes* for a more detailed definition.

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.*

Accessory structure: wireless telecommunication facility. A building or cabinet like structure located adjacent to or in immediate vicinity of a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone call, voice messaging, and paging services.

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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

Alderson

ATTEST:

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler W. Wickman, City Attorney