



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/26/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Jacksonville Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, August 06, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Daryl Witmore, City of Jacksonville
Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Community Services Division Manager
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUL 19 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Jacksonville**

Local file number:

Date of Adoption: **July 6, 2010**

Date Mailed: **July 16, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 01/19/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Planning Commission and City Council approved grammatical and procedural amendments to sections of the Uniform Development Code. Code sections: 16.08, 16.12, 16.32, 16.36, 17.08, 17.12, 17.14, 17.24, 17.37, 17.64, 17.108, 18.01, 18.02, 18.15

Does the Adoption differ from proposal? Please select one

Code sections remain the same, but some deletions and/or additions of language for clarification occurred from the proposed to the adopted.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts: N/A

Local Contact: **Amy Stevenson, City Planner**

Phone: **(541) 899-1231** Extension: **103**

Address: **110 E. Main Street**

Fax Number: **541-899-7882**

City: **Jacksonville**

Zip: **97530**

E-mail Address: **planner@cityofjacksonvilleoregon.com**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on **light green paper if available**.
3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 603

AN ORDINANCE AMENDING TITLES 16, 17, 18, 17.37.040(10), 17.104 AND 18.21.040(C) OF THE JACKSONVILLE MUNICIPAL CODE.

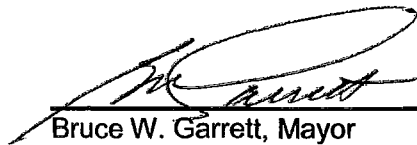
WHEREAS, the City Council has determined that the Jacksonville Municipal Code does not fully meet the current needs of the City. There are inconsistencies, redundancies and errors that deserve attention, and

WHEREAS, The City Council finds that the proposed changes comply with and conform to the corresponding sections of the Jacksonville Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, OREGON, ORDAINS AS FOLLOWS:

The Jacksonville Municipal Code shall be amended to include all the provisions in Exhibit 'A', 'B', 'C', and 'D' attached hereto, and incorporated herein.

Signed by me in open session in authentication of its passage this 6th day of July, 2010.



Bruce W. Garrett, Mayor

ATTEST:



Kathy Tillman
City Recorder or Designee

Code Changes

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CHAPTER 16:

LAND DIVISION REGULATION

Chapter

16.04.

TITLE AND PURPOSE

16.08.

PLANNING COMMISSION AUTHORITY

16.12.

TENTATIVE SUBDIVISION PLANS

16.16.

SUBDIVISION FINAL PLATS

16.32.

LAND PARTITIONS

16.36.

PROPERTY LINE ADJUSTMENT

16.48.

VALIDITY, PENALTIES AND ENFORCEMENT

Code Changes

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CHAPTER 16.08: PLANNING COMMISSION AUTHORITY.

Section

~~16.08.010 Powers of the Planning Commission~~

§ 16.08.010 POWERS OF THE PLANNING COMMISSION.

(A) The ~~planning~~ Planning ~~commission~~ Commission is hereby designated as the approving agency with respect to subdivisions as provided in the state subdivision laws.

(B) ~~The planning commission shall have all the powers and duties with respect to tentative plats, and the procedure relating thereto, which are specified by law and by Title 16.~~ The Planning Commission shall have all the powers and duties with respect to Title ~~15~~, 16, ~~and 17~~ and 18 known as the Unified Development Code.

§ 16.12.06 APPLICATION REQUIREMENTS.

~~5.~~ Topographic contour lines having the following minimum intervals:

Overall Site Elevation Difference	Contour Interval
0' - 25'	2'
26' - 50'	5'
51' +	10'

With slopes ~~indicated~~ significantly distinguished (preferably by color) as follows:

- Slopes twelve percent (12%) to twenty percent (20%) ~~light shading,~~
- Slopes ~~exceeding~~ twenty percent (20%) to 30% ~~heavy shading,~~
- Slopes exceeding 30%,
and in 5% intervals beyond 30%.

Code Changes

1 **§ 16.32.14 JUSTIFICATION FOR COMMERCIAL DIVISION.**
2

3 For Commercial land to be eligible for a land partition, the applicant ~~must submit~~ shall have an
4 approved performance review that ~~a legitimate development proposal to~~ substantiates the need for the
5 partition and the current ability of the resulting parcels to provide adequate off-street parking, ~~and~~
6 loading and all other standards identified by the zone.
7

8 Conceptual development proposals, to partition a vacant portion of a lot, shall not be allowed in
9 the Historic Core Zone. Within General Commercial Zoning vacant partitions shall be allowed with a
10 minimum parcel size to be 10,000 square feet, allowing for adequate flexibility in future design to meet
11 performance criteria.
12

13 ~~If the city grants the partition a phasing plan that details the completion time of all necessary~~
14 ~~improvements must be submitted for Planner approval within one hundred eighty (180) days, the land~~
15 ~~reverts to the original configuration.~~
16 (ORD. 547, passed 5-17-2005)
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22 **§ 16.32.18 FLAG LOT STANDARDS.**
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24 (A) If it can be demonstrated and guaranteed through a recorded building envelope, that the
25 building site of the rear lot will be within two hundred (200) feet of an existing street, a deep lot may
26 be split into a front and rear lot, creating a maximum of one flag lot, if the original lot cannot be
27 otherwise divided separately or in conjunction with adjoining lots. The length, width, and yard
28 dimensions of each resulting lot must be at least the minimum required in the zoning district, with the
29 front lot retaining a minimum lot depth of one hundred (100) feet. ~~The flagpole shall be excluded from~~
30 ~~area and dimensional calculations related to the satisfaction of zoning requirements.~~
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32

33 **§ 16.36.15 FLAG LOT STANDARDS.**
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35 Duplicate section, See **16.32.18 FLAG LOT STANDARDS.**
36

37 ~~(A) The length, width, and yard dimensions of each resulting lot must be at least the minimum~~
38 ~~required in the zoning district, with any front lot retaining a minimum lot depth of one hundred (100)~~
39 ~~feet.~~
40

41 ~~(B) Any rear lot must have an access to the street that is at least twenty (20) feet wide with~~
42 ~~twenty (20) feet of frontage and a maximum length of one hundred and fifty (150) feet. The "flagpole"~~
43 ~~access must be conveyed with ownership of the rear lot and be an integral part of the rear lot.~~
44

45 ~~(C) The driveway access shall be improved to a permanent surface of asphaltic concrete,~~
46 ~~Portland cement, or similar surface acceptable to the Fire Chief with a minimum width of fifteen (15)~~
47 ~~feet. However, in order to minimize the number of parallel driveways accessing a public street, shared~~

Code Changes

1 | ~~access agreements benefiting two (2) adjacent parcels shall be encouraged, particularly where two (2)~~
2 | ~~accesses are less than fifty (50) feet apart.~~

3 |
4 | ~~(D) The adjustment must still comply with the legal frontage requirement. However, the~~
5 | ~~improvement requirement may be waived for the shorter driveway of two (2) parcels sharing such an~~
6 | ~~agreement.~~

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Code Changes

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TITLE 17: ZONING

Chapter

- 17.04. GENERAL PROVISIONS
- 17.08. ZONING
- 17.12. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP
- 17.14. BORDER RESIDENTIAL (BR) DISTRICT
- 17.16. HILLSIDE RESIDENTIAL (HR) DISTRICT
- 17.20. SINGLE-FAMILY RESIDENTIAL (SF) DISTRICT
- 17.24. MULTIPLE-FAMILY RESIDENTIAL (MF) DISTRICT
- 17.28. ARTISAN DISTRICT (AR)
- 17.32. GENERAL COMMERCIAL (C-1) DISTRICT
- 17.35. DOWNTOWN CORE ENHANCEMENT PLAN
- 17.36. HISTORICAL CORE (HC) DISTRICT
- 17.37. SPECIAL PROTECTION (SP) DISTRICT
- 17.40. URBAN/WILD LAND INTERFACE (UW) OVERLAY DISTRICT
- 17.41. URBAN RESERVE (UR) OVERLAY DISTRICT
- 17.42. MANUFACTURED HOUSING OVERLAY DISTRICT
- 17.44. MANUFACTURED DWELLING PARKS
- 17.48. MASTER PLAN REQUIREMENTS
- 17.60. RESIDENTIAL GROWTH MANAGEMENT SYSTEM
- 17.64. PLANNED UNIT DEVELOPMENT
- 17.72. HOME OCCUPATIONS
- 17.76. NON-CONFORMING USES AND STRUCTURES
- 17.92. PROVISIONS APPLYING TO SPECIAL USES
- 17.96. INTERPRETATIONS AND EXCEPTIONS
- 17.100. VARIANCES
- 17.104. CONDITIONAL USE PERMITS
- 17.108. AMENDMENTS
- 17.112. APPEALS
- 17.116. APPEAL TO PLANNING COMMISSION

Code Changes

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CHAPTER 17.08: ZONING

§ 17.08.060 DEFINITIONS FOR USES.

(2) *Commercial.*

(a) **Truck/Bus Terminal**

TRUCKS: The focus of the *Institute of Transportation Engineers Manual's* definition is the transfer of goods. It is not a facility whose primary use is by the general public. It serves primarily as a business-to-business carrier.

CHAPTER 17.12: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

§17.12.040 INTERPRETATION OF DISTRICT BOUNDARIES.

In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said zoning map, the following rules shall apply:

...

(C) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustment is for a distance of less than twenty-five (25') feet. If an adjustment of more than twenty-five (25') feet is required, the change in the district boundary shall be treated as an amendment.

CHAPTER 17.14: BORDER RESIDENTIAL (BR) DISTRICT

§ 17.14.040 CONDITIONAL USES.

The following conditional uses may be permitted subject to a conditional use permit:

9. Within the constraints of Chapter 17.92, the keeping of domesticated farm animals, provided that no animals shall be kept on a lot less than one (1) acre in area, nor more than two (2) head may be kept on the first three (3) acres. However, one additional animal may be kept for each acre over three (3) acres, and all animals must be confined to the property, and said area of confinement shall not be located closer than one hundred twenty-five (125') feet to a dwelling on any contiguous property; and barns, stables and other buildings and structures to house livestock shall not be located closer than fifty (50') feet to any property line.
10. Planned unit developments subject to provisions of Chapter 17.64.
11. Utility substations or pumping stations with no equipment storage.
12. Bed and breakfast facilities, subject to the provisions of Section 17.92.120.
13. Historic building tours.

Code Changes

- 1 14. Agriculture.
- 2 15. Home Occupations needing a pick-up and delivery schedule which may result in
- 3 traffic greater than that attributed to normal residential uses.
- 4 (ORD. 547, passed 5-17-2005)

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8 **CHAPTER 17.24: MULTIPLE-FAMILY RESIDENTIAL (MF) DISTRICT**
9 **§ 17.24.055 PERFORMANCE STANDARDS.**

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The above-listed uses may be permitted subject to a review and a determination of compliance with the following performance standards:

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- (D) The maximum lot coverage allowable on a lot shall be fifty ~~feet percent (50%50%)~~ and shall be subject to the additional impervious surface requirements of Chapter 18.21.

18

§ 17.36.040 PERFORMANCE USE STANDARDS.

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(B) Uses with a precedent in Jacksonville's Historic Context (after the date of City's incorporation, October 11, 1860) shall be encouraged. For uses without such a precedent, a ~~finding~~ review and recommendation regarding ~~of~~ compatibility with the Jacksonville Historic Context Statement must be made by HARC or HARC Hearings Officer.

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25 **CHAPTER 17.37: SPECIAL PROTECTION (SP) DISTRICT**
26 **§ 17.37.060 YARD SETBACK REQUIREMENTS.**

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- (A) The minimum front yard shall be twenty (~~205'~~) feet.
- (B) The minimum side yard shall be ten (10') feet, except that side yards adjacent to a public right-of-way shall be a minimum of fifteen (15') feet.
- (C) The minimum rear yard shall be twenty (~~205'~~) feet.
- (D) The maximum lot coverage shall be forty percent (40%).

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37 **CHAPTER 17.64: PLANNED UNIT DEVELOPMENT**

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40 **§ 17.64.015 PERMITTED USES**

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(A) In the "PUD" zone, permitted uses are single-family residential housing; non-profit and governmental structures, and uses, such as libraries and parks (but not including storage or repair yards); churches; public, private and parochial school and their ancillary uses. ~~Ancillary units shall be calculated as independent units for the purposes of density calculations.~~

46
47

§17.64.030 APPLICATION.

Code Changes

1 | ~~(A)~~(C)Preliminary Plan. All applications shall be accompanied by a general development plan
2 | (12 copies) prepared in accordance with Chapter 18.02. Additionally, such plans shall
3 | include preliminary plans for the provision of public access, water and sanitary sewer
4 | service and a proposal for the PUD's operative Covenants, Codes, and Restrictions
5 | (CC&Rs). The applicant shall also submit one copy of the Preliminary PUD Plan which has
6 | been reduced to a size suitable for photocopy reproduction.
7 |

8 | If a tentative plan for a land division is submitted concurrently with a Preliminary PUD Plan,
9 | the Preliminary PUD Plan and tentative plan shall be on separate sheets, with the tentative plan
10 | submitted in accordance with the application requirements of Chapter 16.12.
11 |

12 | Approval of CC&Rs, architectural design, signage, lighting and landscape plans for ~~proposed~~
13 | ~~buildings~~the project shall be referred to HARC for recommendations to the Planning Commission. An
14 | applicant for a Preliminary PUD Plan may postpone the submission and approval of architectural plans
15 | for proposed building and have such plans approved by HARC as a separate matter at a later time after
16 | the Preliminary and Final PUD Plan has been approved.

17 | When the approval of architectural plans for buildings has been postponed, the Preliminary
18 | PUD Plan shall show the footprint of planned buildings in conceptual form and indicate their
19 | approximate height(s). Such building envelopes shall reasonably anticipate and separately define the
20 | maximum extent of the footprint for each building in the PUD.
21 |
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25 | **CHAPTER 17.108: AMENDMENTS**

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27 | **§ 17.108.010 PROCEDURE.**
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29 | ~~This title~~The Unified Development Code may be amended by changing the boundaries of
30 | districts or by changing any other provisions thereof, whenever the public necessity and convenience
31 | and the general welfare requires such an amendment, by following the procedure of this title.
32 |

33 | **§ 17.108.020 INITIATION OF AMENDMENTS.**
34 |

35 | An amendment to the text of the Unified Development Code or ~~of~~to the zoning map may be
36 | initiated by:
37 |

- 38 | (A) Motion ~~of the~~by ~~planning~~the Planning ~~commission~~Commission.
- 39 |
- 40 | (B) Motion by the HARC in the case of amendments to Title 18.
- 41 |
- 42 | (C) Motion ~~of~~by ~~the city~~the City ~~council~~Council.
- 43 |

44 | (D) Application filed by an owner of record, a purchaser under a recorded land sale contract, a
45 | lessee or the holder of an option to purchase property which is the subject of the application.
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Code Changes

1 **§ 18.01.020 CERTIFICATE OF APPROPRIATENESS REQUIRED.**
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3 (A) An Application shall be filed in accordance with Chapter 18.02; a decision shall be
4 rendered by the Historic and Architectural Review Commission (HARC), the Hearings Officer, or the
5 City Planner, in the case of administrative permits; and a Certificate of Appropriateness shall be issued
6 by the City, after such necessary approvals as herein specified have been granted, shall be required
7 before the commencement of any activity described below.

8 Applicable activities include:

- 9 1. New construction of a building or structure.
10 2. Exterior renovation or remodeling of existing buildings and structures.
11 (ed) Construction, placement, or modifications of signs within the Historic Core
12 are subject to a full HARC review. All other areas within the city shall
13 require a Hearings Officer level review with limited notification
14 requirements.
15

16 **§ 18.02.010 PRE-APPLICATION CONFERENCE.**
17

18 (A) It is in the best interest of the City to provide planning services that assist applicants in
19 constructing appropriate developments. In that spirit, the City requires that prior to filing an
20 application, a prospective applicant shall hold a pre-application conference with the City Planner or
21 their designee. The City Planner may waive this requirement for minor remodel applications on non
22 historic structures and other administratively reviewed applications.
23
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25 **§ 18.15.050 TEMPORARY SIGNS.**

26 (A) Temporary, non-illuminated real estate or construction signs placed upon the relevant
27 parcel (no more than one per parcel) not exceeding four (4') square feet, provided said signs are
28 removed within fifteen (15) days after sale, lease or rental of the property, or the completion of the
29 project. One (1) permitted temporary Open House/directional sign per subject property on weekends
30 only with the issuance of a permit subject to section 5.04.090. Authorized sign may be placed on one
31 (1) offsite parcel other than the subject property, with written permission of the other parcel owner,
32 provided that the other parcel does not already have a sign posted on it. An additional sign, no larger
33 than 4 square feet may be posted onsite at the subject parcel during the open house.
34

- 35 1. No sign shall be permitted in a public right-of-way or within (100') feet of California
36 Street between Fifth and Oregon Streets.
37 2. Open house signs may be displayed only for the period of the open house event, up to a
38 total three (3) consecutive days.
39 3. Permits will be issued on an annual fiscal year basis to an agent of accountability. One
40 (1) permit is to be issued per agent/agency allowing multiple agents per real estate office
41 on the same permit. For Sale by Owner properties are allowed to represent themselves.
42 Duplicates of the permit shall specify the subject property's address with owner's
43 signature of permission, the permit holder's contact information, dates of display, and be
44 physically connected to the sign (ex. Attached to the back of the sign).
45 4. Agent's permit rights shall be revoked for one (1) year from date of second offense of
46 non-compliance. The following year's permit will cost the agent of accountability three
47 (3) times the fee.
48

Proposed changes to §17.37.040(10)

Additions are indicated by underlined text, deletions are indicated by strikethrough.

§ 17.37.040 CONDITIONAL USES.

The following conditional uses may be permitted subject to a conditional use permit:

1. Schools
2. Governmental facilities
3. Quasi-public and nonprofit facilities
4. Ancillary retail sales not utilizing more than fifteen percent (15%) of building area
5. Parking lot, if part of adopted city parking plan
6. Trails for equestrian use
7. Farmer's Markets, other agricultural uses and specialty uses, including wineries and other agricultural processing facilities
8. Churches
9. One additional single-family dwelling, if one existed on the property on the date of Special Protection designation
10. Low-impact cell tower or other telecommunication alternatives concealed within a historically-compatible structure ~~affiliated with a City water reservoir structure~~. All tower or cell site permits shall include a clause requiring removal of abandoned structures and equipment and clear directives on whether or not permits are required for the addition of antennas (ORD. 547, passed 5-17-2005)

CHAPTER 17.104: CONDITIONAL USE PERMITS

Section

17.104.010	Purpose
17-104.020	Planning commission authority
17.104.030	No Presumption of Approval
17.104.040	Applications
17.104.050	Public hearings
17.104.060	Action by the planning commission
17.104.070	Burden of proof
17.104.080	Entry of order
17.104.090	Time limitation
17.104.100	Appeal
17.104.110	Effect
17.104.120	Violation of conditions
17.104.130	Limitation on new applications
17.104.140	Notification of action
17.104.150	Mapping
17.104.160	Use permit runs with the land for specifically approved use only.
17.104.170	Use permit abides by intent of underlying code
17.104.180	Use permit does not set a precedent

§ 17.104.010 PURPOSE.

In certain districts, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration to ensure so that they conform to the objectives of this title and that their potential effects on surrounding properties are thoroughly addressed and can be fully mitigated.

§ 17.104.020 PLANNING COMMISSION AUTHORITY.

The planning commission shall have the authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of this chapter. Changes in use, expansion or contraction of site area, or alteration of structure(s) or with respect to uses classified as conditional and existing prior to the effective date of the ordinance codified in this title, shall conform to all regulations pertaining to conditional uses.

§ 17.104.030 NO PRESUMPTION OF APPROVAL

The listing of a use as a conditional use in this title does not constitute an assurance or presumption that the permit will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

§ 17.104.040 APPLICATION.

The property owner or his authorized agent may make an application for a conditional use permit by filing an application, at least forty (40) days prior to the meeting date when the matter is intended to be considered, with the Planning Department on a form prescribed by the city, which shall include the following information:

- (A) Name and address of the applicant.
- (B) Statement that the applicant is the owner of the property or is the authorized agent of the owner.
- (C) Address, legal description, and Jackson County assessor's tax lot number of the property.
- (D) An accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the conformance of the proposal with the requirements of this title and shall be prepared in a manner conforming to the requirements and procedures of site plan approval, Section 18.02.020 (A – M).
- (E) A map (Jackson County assessor's plat) showing the subject property and surrounding properties and current owners within two hundred (200') feet of the property subject to the conditional use permit application.
- (F) Statement and supportive evidence indicating the precise manner of conformance with each of the applicable provisions of this title, together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit as listed in subsection C of Section 17.104.050.
- (G) A list of the relevant performance standards for the specific zone in which the CUP is being requested and shall indicate in the same numerical order how the applicant proposes to mitigate any potential impacts in order to bring the plans into compliance with the performance standards of the specific zone, if applicable.

(H) Filing fee in the amount established by general resolution of the city council.

§ 17.104.050 PUBLIC HEARINGS.

Before a conditional use is permitted, the proposed conditional use shall be considered by the planning commission at a public hearing. Notice of said hearing shall be given as provided in Sections 17.100.050 through 17.100.070.

§ 17.104.060 ACTION BY THE PLANNING COMMISSION.

Within sixty (60) days after the application is deemed complete, a public hearing shall be held and the commission shall render its decision. The decision of the planning commission shall be final unless appealed to the city council.

The planning commission may approve, approve with conditions or disapprove the conditional use permit application by the entry of a planning commission order, in open meeting, by a majority of its members in attendance, which order shall describe the basis for the decision and state the specific circumstances, findings of fact, and evidence presented requiring the application of conditions to the approval.

Findings of Fact. In order to grant any conditional use, the planning commission, based upon evidence, both factual and supportive, provided by the applicant, must find the following, to be true:

- (A) The proposal is in compliance with the comprehensive plan and code of ordinances.
- (B) There are no outstanding code violations or conditional requirements on the subject property.
- ~~(C) If the conditional use is permitted use in any other zone in the city, the planning commission finds that the need would best be met by allowing the conditional use with respect to the property in the application.~~
- (D) The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title.
- (E) The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- (F) The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission

shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing, ~~and acoustical studies.~~

- (GF) Proposed structures will be of a design complementary to the surrounding area. In areas designated as requiring preservation of historic, scenic, or cultural attributes, .

Conditions of Approval. In permitting a conditional use, the planning commission may impose, in addition to the regulations and standards expressly specified in this title and state and federal law, other conditions found necessary to protect the best interests of the surrounding propertyies or neighborhood, or the city as a whole. These conditions may include, but are not limited to, the following:

- (A) Increasing required lot size building footprint, yard dimensions, open spaces, or buffer areas.
- (B) Requiring structures associated with the use to be compatible with surrounding structures in terms of use, scale, mass, and circulation.
- (C) Requiring that impacts on the aquifer, slope retention, and flood potential have been fully mitigated and are appropriate to the topography of the site.
- (D) Requiring fences, walls, or landscape screening, additional setbacks, and/or buffering where necessary to reduce noise and glare, and to maintain the property in a character in-keeping with the surrounding area.
- (E) Requiring landscaping and maintenance to control dust, runoff, and erosion.
- (F) Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress.
- (G) Requiring sufficient emergency vehicle access.
- (H) Requiring means of pedestrian/bicycle access pathways to serve the property.
- (I) Increasing the number of off-street parking and loading spaces required; surfacing and providing proper drainage of parking areas.
- (J) Limiting size, location, and number of signs.
- (K) Limiting the location, coverage, or height of buildings because of obstructions to view and reduction of light and air to adjacent propertyies.

- (L) Limiting or prohibiting openings in sides of buildings or structures.
- (M) Enclosing ~~ure of~~ storage areas and limiting ~~ation of~~ outside display and/or storage of merchandise.
- (N) ~~Requiring maintenance of grounds.~~
- (O) Regulating ~~on of~~ noise, vibration, odors, etc...
- (P) Regulating exterior lighting.
- (Q) Regulating ~~on of~~ time for certain activities.
- (R) Establishing a time period within which the proposed use shall be developed.
- (S) ~~The requirement of~~ Requiring a bond for removal of ~~such the~~ requested conditional use within a specified period of time.
- (T) ~~Stating the r~~Requirements under which any future enlargement or alteration of the use shall be reviewed by the planning commission and new conditions imposed.
- (U) Requiring ~~The planning commission may also require that the~~ site plan committee and Historical & Architectural Review Commission to review and approve, ~~at is as~~ necessary, ~~in~~ any particular situation to accomplish the purposes and objectives of this title.
- (V) Requiring any ~~And such~~ other such conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter. (Ord. 584, passed 12-2-2008)

§ 17.104.070 BURDEN OF PROOF

The specific findings made by the planning commission in granting a conditional use permit must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings, ~~including its affiliated fees and costs~~, is on the applicant seeking the approval of the conditional use. If no evidence is produced concerning any of the findings listed in subsection C of Section 17.104.050, the application must be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings for approval of any conditional use permit application.

§ 17.104.080 ENTRY OF ORDER.

Where the planning commission is of the opinion that said conditional use permit shall be granted, it shall, in open public meeting, by a majority of its members in attendance, enter a planning commission order granting the conditional use permit, which order shall include specific findings of fact, conclusions, and supportive evidence pertaining to subsection C of Section 17.104.050, and any conditions of approval as authorized by subsection D of Section 17.104.050. Upon the filing of said order with the city recorder, the order shall be in full force and effect. An order denying a conditional use permit shall be entered and filed in a like manner, with the necessary findings of fact, where the planning commission, based on the standards specified herein, determines that the conditional use permit should not be granted.

§ 17.104.090 TIME LIMITATION.

A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises.

The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title. A conditional use permit shall become void if the use is discontinued for a period of one (1) year.

The Planning Commission, on its own motion, may revoke as being void any conditional use permit granted prior to 1982 or any non-conforming conditional use permit granted after 1982, where such use has been discontinued for a period of one (1) year. The Planning Commission, on its own motion, may revoke any other conditional use permit granted before 1994, if the permitted use has been discontinued for a period of one (1) year, and if the property owner, after notification of such proposed action, does not certify his or her intent to resume the use during the following year.

§ 17.104.100 APPEAL.

Appeal of a decision made by the Planning Commission shall be filed and conducted in accordance with Section 17.112.

§ 17.104.110 EFFECT.

No building or other permit shall be issue in any case where a conditional use permit is required by the terms of this title until fifteen days after the decision of the planning commission is filed with the city recorder. An appeal from an action of the planning

commission shall automatically stay the issuance of a building or other permit until such appeal has been completed. In the event the council acts to grant said conditional use permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said permit.

§ 17.104.120 VIOLATION OF CONDITIONS.

The planning commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Sections 17.100.050 through 17.100.070. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.

§ 17.104.130 LIMITATION ON NEW APPLICATIONS.

In a case where an application is denied by the planning commission, or denied by the city council on appeal from the planning commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmission for the period of one year from the conclusion of appeals **unless**, in the opinion of the planning commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

§ 17.104.140 NOTIFICATION OF ACTION.

The city recorder shall notify the applicant and all interested parties submitting written or oral testimony to the record for a conditional use permit of the planning commission's action within five (5) days after entry of the final order. A copy of said order shall be provided to the applicant.

§ 17.104.150 MAPPING.

Within thirty (30) days after the entry of the final order of a conditional use permit, the permit application file number shall be indicated on the official zoning map on the lot or lots affected by such permit.

§ 17.104.160 USE PERMIT ~~TO~~ RUNS WITH THE LAND FOR SPECIFICALLY APPROVED USE ONLY

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the subject property solely for the specifically approved use as identified in the permit.

§ 17.104.170 USE PERMIT ABIDES BY INTENT OF UNDERLYING CODE

Conditional Use Permits are additional to the requirements of the underlying zone; they are not intended to create an exemption from underlying codes and standards.

§ 17.104.180 USE PERMIT DOES NOT SET A PRECEDENT

Each application, because of its unique characteristics and particular location, is to be evaluated by the specific circumstances related to the application. Similar uses permitted elsewhere in the city may or may not be permitted on the subject property because of circumstances unique to the applicant's property. Approval of a particular use in a specific location has no bearing when reviewing a separate application of a similar use in a different location.

Proposed changes to §18.21.040(C)

Additions are indicated by underlined text, deletions are indicated by strikethrough.

§ 18.21.040 UTILITY FEATURES STANDARDS.

A) The streetlight designs contained in Appendix F of the Jacksonville Transportation System Plan shall be used as the standards for streetlight design for developers wishing to create a historical setting in a subdivision or other development. If a developer or private party wishes to install street lighting, such lighting shall be subject to City and power company approval, and all expenses incurred through maintenance and operation shall be the responsibility of the developer or private party in perpetuity. All residential street light fixtures shall utilize high-pressure sodium yellow lights. All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting shall be shielded and directed downward.
(Am. ORD 579, 3-4-08)

B) The Handicapped Access requirements of the Americans with Disabilities Act will be implemented where historically appropriate.

C) The City or other responsible jurisdiction, corporation, or company shall preserve and maintain or replicate publicly owned historic signs, regulatory signs monuments, or features of their respectively owned utilities in the right of way and shall design any such new utility installations or features to be compatible with other utilizes or historically designated structures existing within the public right of way. Compatibility shall be determined through the appropriate level of review ~~as an appurtenance~~. All height, invert depth, and other code mandated and customary design standards shall apply to utilities, ~~even if~~ located within or proposed to be constructed in the right of way ~~and/or permitted outright~~. In no sense may privately-owned balconies, awnings, marquees, or signs within the right of way and attached to buildings be construed as "Utility Features".

CHAPTER 16: LAND DIVISION REGULATION

Chapter

16.04.	TITLE AND PURPOSE
16.08.	PLANNING COMMISSION AUTHORITY
16.12.	TENTATIVE SUBDIVISION PLANS
16.16.	SUBDIVISION FINAL PLATS
16.32.	LAND PARTITIONS
16.36.	PROPERTY LINE ADJUSTMENT
16.48.	VALIDITY, PENALTIES AND ENFORCEMENT

CHAPTER 16.08: PLANNING COMMISSION AUTHORITY.

§ 16.08.010 POWERS OF THE PLANNING COMMISSION.

(A) The Planning Commission is hereby designated as the approving agency with respect to subdivisions as provided in the state subdivision laws.

(B) The Planning Commission shall have all the powers and duties with respect to Title, 16, 17 and 18 known as the Unified Development Code.

§ 16.12.06 APPLICATION REQUIREMENTS.

Topographic contour lines having the following minimum intervals:

Overall Site Elevation Difference	Contour Interval
0' - 25'	2'
26'+	5'

With slopes significantly distinguished (preferably by color) as follows:

Slopes twelve percent (12%) to twenty percent (20%),
Slopes twenty percent (20%) to 30%,
Slopes exceeding 30%,
and in 5% intervals beyond 30%.

§ 16.32.14 JUSTIFICATION FOR COMMERCIAL DIVISION.

For Commercial land to be eligible for a land partition, the applicant shall have an approved performance review that substantiates the need for the partition and the current ability of the resulting parcels to provide adequate off-street parking, loading and all other standards identified by the zone.

Conceptual development proposals, to partition a vacant portion of a lot, shall not be allowed in the Historic Core Zone. Within General Commercial Zoning vacant partitions shall be allowed with a minimum parcel size to be 10,000 square feet, allowing for adequate flexibility in future design to meet performance criteria.

(ORD. 547, passed 5-17-2005)

§ 16.32.18 FLAG LOT STANDARDS.

(A) If it can be demonstrated and guaranteed through a recorded building envelope, that the building site of the rear lot will be within two hundred (200) feet of an existing street, a deep lot may be split into a front and rear lot, creating a maximum of one flag lot, if the original lot cannot be otherwise divided separately or in conjunction with adjoining lots. The length, width, and yard dimensions of each resulting lot must be at least the minimum required in the zoning district, with the front lot retaining a minimum lot depth of one hundred (100) feet. The flagpole shall be excluded from area and dimensional calculations related to the satisfaction of zoning requirements.

§ 16.36.15 FLAG LOT STANDARDS.

Duplicate section, See **16.32.18 FLAG LOT STANDARDS.**

(ORD. 603, passed 7-06-2010)

TITLE 17: ZONING

Chapter

- 17.04. **GENERAL PROVISIONS**
- 17.08. **ZONING**
- 17.12. **ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP**
- 17.14. **BORDER RESIDENTIAL (BR) DISTRICT**
- 17.16. **HILLSIDE RESIDENTIAL (HR) DISTRICT**
- 17.20. **SINGLE-FAMILY RESIDENTIAL (SF) DISTRICT**
- 17.24. **MULTIPLE-FAMILY RESIDENTIAL (MF) DISTRICT**
- 17.28. **ARTISAN DISTRICT (AR)**
- 17.32. **GENERAL COMMERCIAL (C-1) DISTRICT**
- 17.35. **DOWNTOWN CORE ENHANCEMENT PLAN**
- 17.36. **HISTORICAL CORE (HC) DISTRICT**
- 17.37. **SPECIAL PROTECTION (SP) DISTRICT**
- 17.40. **URBAN/WILD LAND INTERFACE (UW) OVERLAY DISTRICT**
- 17.41. **URBAN RESERVE (UR) OVERLAY DISTRICT**
- 17.42. **MANUFACTURED HOUSING OVERLAY DISTRICT**
- 17.44. **MANUFACTURED DWELLING PARKS**
- 17.48. **MASTER PLAN REQUIREMENTS**
- 17.60. **RESIDENTIAL GROWTH MANAGEMENT SYSTEM**
- 17.64. **PLANNED UNIT DEVELOPMENT**
- 17.72. **HOME OCCUPATIONS**
- 17.76. **NON-CONFORMING USES AND STRUCTURES**
- 17.92. **PROVISIONS APPLYING TO SPECIAL USES**
- 17.96. **INTERPRETATIONS AND EXCEPTIONS**
- 17.100. **VARIANCES**
- 17.104. **CONDITIONAL USE PERMITS**
- 17.108. **AMENDMENTS**
- 17.112. **APPEALS**
- 17.116. **APPEAL TO PLANNING COMMISSION**

CHAPTER 17.08: ZONING

§ 17.08.060 DEFINITIONS FOR USES.

(2) *Commercial.*

(a) **Truck/Bus Terminal**

TRUCKS: The focus of the Institute of Transportation Engineers Manual's definition is the transfer of goods. It is not a facility whose primary use is by the general public. It serves primarily as a business-to-business carrier.

CHAPTER 17.12: ESTABLISHMENT OF ZONING DISTRICTS AND ZONINGMAP

§17.12.040 INTERPRETATION OF DISTRICT BOUNDARIES.

In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said zoning map, the following rules shall apply:

...

(C) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustment is for a distance of less than twenty-five (25') feet. If an adjustment of more than twenty-five (25') feet is required, the change in the district boundary shall be treated as an amendment.

CHAPTER 17.14: BORDER RESIDENTIAL (BR) DISTRICT

§ 17.14.040 CONDITIONAL USES.

The following conditional uses may be permitted subject to a conditional use permit:

9. Within the constraints of Chapter 17.92, the keeping of domesticated farm animals, provided that no animals shall be kept on a lot less than one (1) acre in area, nor more than two (2) head may be kept on the first three (3) acres. However, one additional animal may be kept for each acre over three (3) acres, and all animals must be confined to the property, and said area of confinement shall not be located closer than

one hundred twenty-five (125') feet to a dwelling on any contiguous property; and barns, stables and other buildings and structures to house livestock shall not be located closer than fifty (50') feet to any property line.

10. Planned unit developments subject to provisions of Chapter 17.64.
11. Utility substations or pumping stations with no equipment storage.
12. Bed and breakfast facilities, subject to the provisions of Section 17.92.120.
13. Historic building tours.
14. Agriculture.
15. Home Occupations needing a pick-up and delivery schedule which may result in traffic greater than that attributed to normal residential uses.

(ORD. 547, passed 5-17-2005)

CHAPTER 17.24: MULTIPLE-FAMILY RESIDENTIAL (MF) DISTRICT

§ 17.24.055 PERFORMANCE STANDARDS.

The above-listed uses may be permitted subject to a review and a determination of compliance with the following performance standards:

- (D) The maximum lot coverage allowable on a lot shall be fifty percent (50%) and shall be subject to the additional impervious surface requirements of Chapter 18.21.

§ 17.36.040 PERFORMANCE USE STANDARDS.

(B) Uses with a precedent in Jacksonville's Historic Context (after the date of City's incorporation, October 11, 1860) shall be encouraged. For uses without such a precedent, a review and recommendation regarding compatibility with the Jacksonville Historic Context Statement must be made by HARC or HARC Hearings Officer.

CHAPTER 17.37: SPECIAL PROTECTION (SP) DISTRICT

§ 17.37.060 YARD SETBACK REQUIREMENTS.

- (A) The minimum front yard shall be twenty (20') feet.
- (B) The minimum side yard shall be ten (10') feet, except that side yards adjacent to a public right-of-way shall be a minimum of fifteen (15') feet.
- (C) The minimum rear yard shall be twenty (20') feet.
- (D) The maximum lot coverage shall be forty percent (40%).

CHAPTER 17.64: PLANNED UNIT DEVELOPMENT

§ 17.64.015 PERMITTED USES

(A) In the “PUD” zone, permitted uses are single-family residential housing; non-profit and governmental structures, and uses, such as libraries and parks (but not including storage or repair yards); churches; public, private and parochial school and their ancillary uses. Ancillary units shall be calculated as independent units for the purposes of density calculations.

§17.64.030 APPLICATION

(C) Preliminary Plan. All applications shall be accompanied by a general development plan (12 copies) prepared in accordance with Chapter 18.02. Additionally, such plans shall include preliminary plans for the provision of public access, water and sanitary sewer service and a proposal for the PUD's operative Covenants, Codes, and Restrictions (CC&Rs). The applicant shall also submit one copy of the Preliminary PUD Plan which has been reduced to a size suitable for photocopy reproduction.

If a tentative plan for a land division is submitted concurrently with a Preliminary PUD Plan, the Preliminary PUD Plan and tentative plan shall be on separate sheets, with the tentative plan submitted in accordance with the application requirements of Chapter 16.12.

Approval of CC&Rs, architectural design, signage, lighting and landscape plans for the project shall be referred to HARC for recommendations to the Planning Commission. An applicant for a Preliminary PUD Plan may postpone the submission and approval of architectural plans for proposed building and have such plans approved by HARC as a separate matter at a later time after the Preliminary and Final PUD Plan has been approved.

When the approval of architectural plans for buildings has been postponed, the Preliminary PUD Plan shall show the footprint of planned buildings in conceptual form and indicate their approximate height(s). Such building envelopes shall reasonably anticipate and separately define the maximum extent of the footprint for each building in the PUD.

CHAPTER 17.108: AMENDMENTS

§ 17.108.010 PROCEDURE.

The Unified Development Code may be amended by changing the boundaries of districts or by changing any other provisions thereof, whenever the public necessity and convenience and the general welfare requires such an amendment, by following the procedure of this title.

§ 17.108.020 INITIATION OF AMENDMENTS.

An amendment to the text of the Unified Development Code or to the zoning map may be initiated by:

(A) Motion by the Planning Commission.

(B) Motion by the HARC in the case of amendments to Title 18.

(C) Motion by the City Council.

(D) Application filed by an owner of record, a purchaser under a recorded land sale contract, a lessee or the holder of an option to purchase property which is the subject of the application.

(ORD. 603, passed 7-06-2010)

§ 18.01.020 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(A) An Application shall be filed in accordance with Chapter 18.02; a decision shall be rendered by the Historic and Architectural Review Commission (HARC), the Hearings Officer, or the City Planner, in the case of administrative permits; and a Certificate of Appropriateness shall be issued by the City, after such necessary approvals as herein specified have been granted, shall be required before the commencement of any activity described below.

Applicable activities include:

1. New construction of a building or structure.
2. Exterior renovation or remodeling of existing buildings and structures.
 - (d) Construction, placement, or modifications of signs within the Historic Core are subject to a full HARC review. All other areas within the city shall require a Hearings Officer level review with limited notification requirements.

§ 18.02.010 PRE-APPLICATION CONFERENCE.

(A) It is in the best interest of the City to provide planning services that assist applicants in constructing appropriate developments. In that spirit, the City requires that prior to filing an application, a prospective applicant shall hold a pre-application conference with the City Planner or their designee. The City Planner may waive this requirement for minor remodel applications on non historic structures and other administratively reviewed applications.

§ 18.15.050 TEMPORARY SIGNS.

(A) Temporary, non-illuminated real estate or construction signs placed upon the relevant parcel (no more than one per parcel) not exceeding four (4') square feet, provided said signs are removed within fifteen (15) days after sale, lease or rental of the property, or the completion of the project. One (1) permitted temporary Open House/directional sign per subject property on weekends only with the issuance of a permit subject to section 5.04.090. Authorized sign may be placed on one (1) offsite parcel other than the subject property, with written permission of the other parcel owner, provided that the other parcel does not already have a sign posted on it. An additional sign, no larger than 4 square feet may be posted onsite at the subject parcel during the open house.

1. No sign shall be permitted in a public right-of-way or within (100') feet of California Street between Fifth and Oregon Streets.
2. Open house signs may be displayed only for the period of the open house event, up to a total three (3) consecutive days.
3. Permits will be issued on an annual fiscal year basis to an agent of accountability. One (1) permit is to be issued per agent/agency allowing multiple agents per real estate office on the same permit. For Sale by Owner properties are allowed to represent themselves. Duplicates of the permit shall specify the subject property's address with owner's signature of permission, the permit holder's contact information, dates of display, and be physically connected to the sign (ex. Attached to the back of the sign).
4. Agent's permit rights shall be revoked for one (1) year from date of second offense of non-compliance. The following year's permit will cost the agent of accountability three (3) times the fee.

(ORD. 603, passed 7-06-2010)

§ 17.37.040 CONDITIONAL USES.

The following conditional uses may be permitted subject to a conditional use permit:

1. Schools
2. Governmental facilities
3. Quasi-public and nonprofit facilities
4. Ancillary retail sales not utilizing more than fifteen percent (15%) of building area
5. Parking lot, if part of adopted city parking plan
6. Trails for equestrian use
7. Farmer's Markets, other agricultural uses and specialty uses, including wineries and other agricultural processing facilities
8. Churches
9. One additional single-family dwelling, if one existed on the property on the date of Special Protection designation
10. Low-impact cell tower or other telecommunication alternatives concealed within a historically-compatible structure. All tower or cell site permits shall include a clause requiring removal of abandoned structures and equipment and clear directives on whether or not permits are required for the addition of antennas
(Am. ORD. 603, passed 7-06-2010)

CHAPTER 17.104: CONDITIONAL USE PERMITS

Section

17.104.010	Purpose
17-104.020	Planning commission authority
17.104.030	No Presumption of Approval
17.104.040	Applications
17.104.050	Public hearings
17.104.060	Action by the planning commission
17.104.070	Burden of proof
17.104.080	Entry of order
17.104.090	Time limitation
17.104.100	Appeal
17.104.110	Effect
17.104.120	Violation of conditions
17.104.130	Limitation on new applications
17.104.140	Notification of action
17.104.150	Mapping
17.104.160	Use permit runs with the land for specifically approved use only.
17.104.170	Use permit abides by intent of underlying code
17.104.180	Use permit does not set a precedent

§ 17.104.010 PURPOSE.

In certain districts, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration to ensure that they conform to the objectives of this title and that the potential effects on surrounding properties are thoroughly addressed and can be fully mitigated.

§ 17.104.020 PLANNING COMMISSION AUTHORITY.

The planning commission shall have the authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of this chapter. Changes in use, expansion or contraction of site area, or alteration of structure(s) with respect to uses classified as conditional and existing prior to the effective date of the ordinance codified in this title, shall conform to all regulations pertaining to conditional uses.

§ 17.104.030 NO PRESUMPTION OF APPROVAL

The listing of a use as a conditional use in this title does not constitute an assurance or presumption that the permit will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

§ 17.104.040 APPLICATION.

The property owner or his authorized agent may make an application for a conditional use permit by filing an application, at least forty (40) days prior to the meeting date when the matter is intended to be considered, with the Planning Department on a form prescribed by the city, which shall include the following information:

- (A) Name and address of the applicant.
- (B) Statement that the applicant is the owner of the property or is the authorized agent of the owner.
- (C) Address, legal description, and Jackson County assessor's tax lot number of the property.
- (D) An accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the conformance of the proposal with the requirements of this title and shall be prepared in a manner conforming to the requirements and procedures of site plan approval, Section 18.02.020 (A – M).
- (E) A map (Jackson County assessor's plat) showing the subject property and surrounding properties and current owners within two hundred (200') feet of the property subject to the conditional use permit application.
- (F) Statement and supportive evidence indicating the precise manner of conformance with each of the applicable provisions of this title, together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit as listed in subsection C of Section 17.104.050.
- (G) A list of the relevant performance standards for the specific zone in which the CUP is being requested and shall indicate in the same numerical order how the applicant proposes to mitigate any potential impacts in order to bring the plans into compliance with the performance standards of the specific zone, if applicable.

(H) Filing fee in the amount established by general resolution of the city council.

§ 17.104.050 PUBLIC HEARINGS.

Before a conditional use is permitted, the proposed conditional use shall be considered by the planning commission at a public hearing. Notice of said hearing shall be given as provided in Sections 17.100.050 through 17.100.070.

§ 17.104.060 ACTION BY THE PLANNING COMMISSION.

Within sixty (60) days after the application is deemed complete, a public hearing shall be held and the commission shall render its decision. The decision of the planning commission shall be final unless appealed to the city council.

The planning commission may approve, ~~approve~~ with conditions or disapprove the conditional use permit application by the entry of a planning commission order, in open meeting, by a majority of its members in attendance, which order shall describe the basis for the decision and state the specific circumstances, findings of fact, and evidence presented requiring the application of conditions to the approval.

Findings of Fact. In order to grant any conditional use, the planning commission, based upon evidence, both factual and supportive, provided by the applicant, must find the following, to be true:

- (A) The proposal is in compliance with the comprehensive plan and code of ordinances.
- (B) There are no outstanding code violations or conditional requirements on the subject property.
- (C) The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title.
- (D) The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- (E) The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access,

setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing

- (F) Proposed structures will be of a design complementary to the surrounding area
In areas designated as requiring preservation of historic, scenic, or cultural attributes, .

Conditions of Approval. In permitting a conditional use, the planning commission may impose, in addition to the regulations and standards expressly specified in this title and state and federal law, other conditions found necessary to protect the best interests of the surrounding properties or neighborhood or the city as a whole. These conditions may include, but are not limited to, the following:

- (A) Increasing required lot size building footprint, yard dimensions, open spaces, or buffer areas.
- (B) Requiring structures associated with the use to be compatible with surrounding structures in terms of use, scale, mass, and circulation.
- (C) Requiring that impacts on the aquifer, slope retention, and flood potential have been fully mitigated and are appropriate to the topography of the site.
- (D) Requiring fences, walls, landscape screening, additional setbacks, and/or buffering where necessary to reduce noise and glare, and to maintain the property in character with the surrounding area.
- (E) Requiring landscaping and maintenance to control dust, runoff, and erosion.
- (F) Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress.
- (G) Requiring sufficient emergency vehicle access.
- (H) Requiring means of pedestrian/bicycle access pathways to serve the property.
- (I) Increasing the number of off-street parking and loading spaces required surfacing and providing proper drainage of parking areas.
- (J) Limiting size, location, and number of signs.
- (K) Limiting the location, coverage, or height of buildings because of obstructions to view and reduction of light and air to adjacent properties.
- (L) Limiting or prohibiting openings in sides of buildings or structures.

- (M) Enclosing storage areas and limiting outside display and/or storage of merchandise.
- (N) Regulating noise, vibration, odors, etc...
- (O) Regulating exterior lighting.
- (P) Regulating time for certain activities.
- (Q) Establishing a time period within which the proposed use shall be developed.
- (R) Requiring a bond for removal of the requested conditional use within a specified period of time.
- (S) Stating the requirements under which any future enlargement or alteration of the use shall be reviewed by the planning commission and new conditions imposed.
- (T) Requiring the site plan committee and Historical & Architectural Review Commission to review and approve, as necessary, any particular situation to accomplish the purposes and objectives of this title.
- (U) Requiring any other such conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter. (Ord. 584, passed 12-2-2008)

§ 17.104.070 BURDEN OF PROOF

The specific findings made by the planning commission in granting a conditional use permit must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings, including affiliated fees and costs, is on the applicant seeking the approval of the conditional use. If no evidence is produced concerning any of the findings listed in subsection C of Section 17.104.050, the application must be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings for approval of any conditional use permit application.

§ 17.104.080 ENTRY OF ORDER.

Where the planning commission is of the opinion that said conditional use permit shall be granted, it shall, in open public meeting, by a majority of its members in attendance, enter a planning commission order granting the conditional use permit, which order shall

include specific findings of fact, conclusions, and supportive evidence pertaining to subsection C of Section 17.104.050, and any conditions of approval as authorized by subsection D of Section 17.104.050. Upon the filing of said order with the city recorder, the order shall be in full force and effect. An order denying a conditional use permit shall be entered and filed in a like manner, with the necessary findings of fact, where the planning commission, based on the standards specified herein, determines that the conditional use permit should not be granted.

§ 17.104.090 TIME LIMITATION.

A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises.

The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title. A conditional use permit shall become void if the use is discontinued for a period of one (1) year.

The Planning Commission, on its own motion, may revoke as being void any conditional use permit granted prior to 1982 or any non-conforming conditional use permit granted after 1982, where such use has been discontinued for a period of one (1) year. The Planning Commission, on its own motion, may revoke any other conditional use permit granted before 1994, if the permitted use has been discontinued for a period of one (1) year, and if the property owner, after notification of such proposed action, does not certify his or her intent to resume the use during the following year.

§ 17.104.100 APPEAL.

Appeal of a decision made by the Planning Commission shall be filed and conducted in accordance with Section 17.112.

§ 17.104.110 EFFECT.

No building or other permit shall be issue in any case where a conditional use permit is required by the terms of this title until fifteen days after the decision of the planning commission is filed with the city recorder. An appeal from an action of the planning commission shall automatically stay the issuance of a building or other permit until such appeal has been completed. In the event the council acts to grant said conditional use permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said permit.

§ 17.104.120 VIOLATION OF CONDITIONS.

The planning commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Sections 17.100.050 through 17.100.070. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.

§ 17.104.130 LIMITATION ON NEW APPLICATIONS.

In a case where an application is denied by the planning commission, or denied by the city council on appeal from the planning commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmission for the period of one year from the conclusion of appeals unless, in the opinion of the planning commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

§ 17.104.140 NOTIFICATION OF ACTION.

The city recorder shall notify the applicant and all interested parties submitting written or oral testimony to the record for a conditional use permit of the planning commission's action within five (5) days after entry of the final order. A copy of said order shall be provided to the applicant.

§ 17.104.150 MAPPING.

Within thirty (30) days after the entry of the final order of a conditional use permit, the permit application file number shall be indicated on the official zoning map on the lot or lots affected by such permit.

§ 17.104.160 USE PERMIT RUNS WITH THE LAND FOR SPECIFICALLY APPROVED USE ONLY

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the subject property solely for the specifically approved use as identified in the permit.

§ 17.104.170 USE PERMIT ABIDES BY INTENT OF UNDERLYING CODE

Conditional Use Permits are additional to the requirements of the underlying zone; they are not intended to create an exemption from underlying codes and standards.

§ 17.104.180 USE PERMIT DOES NOT SET A PRECEDENT

Each application, because of its unique characteristics and particular location, is to be evaluated by the specific circumstances related to the application. Similar uses permitted elsewhere in the city may or may not be permitted on the subject property because of circumstances unique to the applicant's property. Approval of a particular use in a specific location has no bearing when reviewing a separate application of a similar use in a different location.

(Am. ORD 603, 7-06-2010)

§ 18.21.040 UTILITY FEATURES STANDARDS.

A) The streetlight designs contained in Appendix F of the Jacksonville Transportation System Plan shall be used as the standards for streetlight design for developers wishing to create a historical setting in a subdivision or other development. If a developer or private party wishes to install street lighting, such lighting shall be subject to City and power company approval, and all expenses incurred through maintenance and operation shall be the responsibility of the developer or private party in perpetuity. All residential street light fixtures shall utilize high-pressure sodium yellow lights. All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting shall be shielded and directed downward.
(Am. ORD 579, 3-4-08)

B) The Handicapped Access requirements of the Americans with Disabilities Act will be implemented where historically appropriate.

C) The City or other responsible jurisdiction, corporation, or company shall preserve and maintain or replicate publicly owned historic signs, regulatory signs monuments, or features of their respectively owned utilities in the right of way and shall design any such new utility installations or features to be compatible with other utilizes or historically designated structures existing within the public right of way. Compatibility shall be determined through the appropriate level of review. All height, invert depth, and other code mandated and customary design standards shall apply to utilities, located within or proposed to be constructed in the right of way. In no sense may privately-owned balconies, awnings, marquees, or signs within the right of way and attached to buildings be construed as "Utility Features".
(Am. ORD 603, 7-06-2010)

CITY OF JACKSONVILLE
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**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**