



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2524
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Second Floor/Director's Office: (503) 378-5518
Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

January 27, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Central Point Plan Amendment
DLCD File Number 005-05

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: February 8, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Don Burt, City of Central Point

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2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF

JAN 20 2006

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: CITY OF CENTRAL POINT Local file number: CP05-10-02
Date of Adoption: JANUARY 12, 2006 Date Mailed: JANUARY 17, 2006
Date original Notice of Proposed Amendment was mailed to DLCD: OCTOBER 6, 2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

UPDATE GENERAL DEFINITIONS; REDEFINE HEIGHT MEASUREMENTS-ELIMINATING REFERENCE TO THE NUMBER OF FLLORS; AMENDMENTS TO REAR YARD SETBACKS; AMENDMENTS & ADDITION TO ESTABLISH MINIMUM/MAXIMUM DENSITY REQUIREMENTS IN SINGLE FAMILY DISTRICTS; ELIMINATION OF BUILDING DISTANCE TO BE REGULATED BY BUILDING DEPARTMENT; MODIFIED ALLOWABLE USES IN TOD-GC, GENERAL COMMERCIAL ZONING; ADJUSTMENT OF MINIMUM DENSITY TO MATCH LOT SIZE; ELIMINATED PUD SITES FOR PARCELS SMALLER THAN 5 ACRES.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: N/A to: _____

Zone Map Changed from: N/A to: _____

Location: CITY WIDE Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: #1, # 10

Was and Exception Adopted? YES NO

DLCD File No.: 005-05
(14728)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

CITY OF CENTRAL POINT, DLCD

Local Contact: DON BURT, AICP, EDFP Phone: (541) 423-1039 Extension: _____
Address: 140 S. THIRD STREET City: CENTRAL POINT
Zip Code + 4: 97502 - Email Address: DONB@CI.CENTRAL-POINT.OR.US

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies 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**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to maru.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1867

**AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE
CHAPTER 17, ZONING**

**THE PEOPLE OF THE CITY OF CENTRAL POINT, OREGON, DO ORDAIN AS
FOLLOWS:**

- Section 1 Redefine Section 17.08.005 Definitions, General and consolidate Sections 17.08.010 through 17.08.405 into Section 17.08.010 listing all definition in alphabetical order (Exhibit 1).
- Section 2 Redefine Sections 17.16.040 Height Restrictions and 17.16.050 Area, Width and Yard Requirements (Exhibit 2).
- Section 3 Redefine Sections 17.20.040 Height Restrictions and 17.20.050 Density, Lot Area, Lot Dimensions, Building Height, Lot Coverage, and Yard Requirements, and elimination of Section 17.20.060 Special Standards and Distances Between Buildings, and elimination of Section 17.20.070 Lot Coverage (Exhibit 3).
- Section 4 Modification of Section 17.65.040 Land Use – TOD District, Section 17.65.050 Zoning Regulations – TOD District (Exhibit 4).
- Section 5 Modification of Section 17.65.060 Land Use – TOD Corridor, Section 17.65.070 Zoning Regulations – TOD Corridor (Exhibit 5).
- Section 6 Modification of Section 17.68.020 Size of the Planned Unit Development (Exhibit 6).

Passed by the city Council and signed by me in authentication of its passage the 12th day of January, 2006.


Mayor Hank Williams

ATTEST:


City Recorder

Approved by me this 12th day of January, 2006.


Mayor Hank Williams

EXHIBIT 1

**Chapter 17.08
DEFINITIONS**

17.08.410 TOD district and corridor definitions and uses.

17.08.005 Definitions, General. For the purpose of this section, the definitions and rules of construction set forth shall prevail, except when the context clearly requires otherwise: (1) Words used or defined in one tense or form shall include other tenses and derivative forms. (2) Words in the singular shall include the plural, and words in the plural shall include the singular. (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine. (4) The word "shall" is mandatory. (5) The word "may" is permissive. (6) The word "person" includes individuals, firms, corporations, associations, trusts, local agency, city, county, state or federal government or any district or division thereof. (7) The word "City" shall mean the City of Central Point. (8) The word "Council" shall mean the City Council of the City of Central Point. (9) The words "Planning Commission" shall mean the Planning Commission of the City of Central Point. (10) Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used in this chapter. Webster's Ninth New International Dictionary copyright 1986, shall be considered as providing ordinarily accepted meanings.

17.08.010 Definitions, Specific. When used in this chapter, the following terms shall have the meanings as herein ascribed:

Abutting. "Abutting" means adjoining with a common boundary line except where two or more lots adjoin only at a single point, such as a corner. (Ord. 1436 §2 (part), 1981).

Access. "Access" means the way or means by which pedestrians and vehicles enter and leave property. (Ord. 1436 §2 (part), 1981).

Accessory Structure or Use. "Accessory structure" or "accessory use" means a structure or use that is incidental and subordinate to the main structure or use of the property and located on the same lot as the main structure or use. (Ord. 1436 §2 (part), 1981).

Adjacent. "Adjacent" means near, close; for example, a commercial business on an adjacent lot or across the street from a residence shall be considered "adjacent." (Ord. 1436 §2 (part), 1981).

Adjoining. "Adjoining" means the same as "abutting." (Ord. 1436 §2 (part), 1981).

Advertising Structure. "Advertising structure" means any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or advertisement, for the purpose of promoting the sale of or public awareness of any goods,

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- 17.08.005 Generally.¶
- 17.08.010 Abutting.¶
- 17.08.015 Access.¶
- 17.08.020 Accessory structure or use.¶
- 17.08.025 Adjacent.¶
- 17.08.030 Adjoining.¶
- 17.08.035 Advertising structure.¶
- 17.08.040 Agriculture.¶
- 17.08.045 Alley.¶
- 17.08.050 Amendment.¶
- 17.08.055 Animal hospital or clinic.¶
- 17.08.057 Antenna.¶
- 17.08.060 Apartment.¶
- 17.08.062 Applicant.¶
- 17.08.065 Automobile, truck, boat, or mobile home sales lot.¶
- 17.08.070 Automobile service station.¶
- 17.08.075 Basement.¶
- 17.08.080 Billboard.¶
- 17.08.085 Block.¶
- 17.08.090 Boarding and rooming houses.¶
- 17.08.100 Building.¶
- 17.08.105 Building area.¶
- 17.08.110 Building height.¶
- 17.08.115 Buffer.¶
- 17.08.120 Centerline.¶
- 17.08.125 Church.¶
- 17.08.130 City.¶
- 17.08.135 City council.¶
- 17.08.140 Clinic.¶
- 17.08.142 Common open space.¶
- 17.08.145 Condominium.¶
- 17.08.150 Contiguous.¶
- 17.08.155 Convalescent home.¶
- 17.08.160 Day care center.¶
- 17.08.165 District.¶
- 17.08.170 Drive-in businesses.¶
- 17.08.175 Dwelling group.¶
- 17.08.180 Dwelling, multi-family.¶
- 17.08.185 Dwelling, single-family.¶
- 17.08.190 Dwelling, two-family.¶
- 17.08.195 Dwelling unit.¶
- 17.08.200 Family.¶
- 17.08.205 Farm use.¶
- 17.08.208 Fence.¶
- 17.08.209 Fence, sight obscuring.¶
- 17.08.215 Floor area.¶
- 17.08.220 Floor area ratio (F.A.R.) ... [1]

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services, or activities that are not located on the same lot as the advertising structure. (Ord. 1436 §2 (part), 1981).

Agriculture. "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and accessory uses commonly associated with such uses. (Ord. 1436 §2 (part), 1981). **Alley.** "Alley" means a street which affords only secondary access to property. (Ord. 1436 §2 (part), 1981). **Amendment.** "Amendment" means a change in the wording, context or substance of an official ordinance or other publication, including related maps, illustrations, concepts, or plans. (Ord. 1436 §2 (part), 1981).

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Animal Hospital or Clinic. "Animal hospital" or "animal clinic" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to the hospital or clinic use. (Ord. 1436 §2 (part), 1981).

Antenna. A device, dish or array used to transmit or receive signals for telecommunication purposes. (Ord. 1823 §3, 2001).

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Apartment. "Apartment" means a dwelling unit within a multiple family building. Commonly a rented unit. (Ord. 1436 §2 (part), 1981). **Applicant.** "Applicant" means the owner or contract purchaser, or the person duly authorized in writing by such person or persons to act as agent to seek the applicable land use decision approval, and in connection therewith, to bind the owner or contract purchaser to any conditions imposed upon such approval. (Ord. 1684 §15, 1993).

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Automobile, Truck, Boat, or Mobile Home Sales Lot. "Automobile, truck, boat, or mobile home sales lot" means an open lot used for the display, sale or rental of new or used motor vehicles, boats, trucks, trailers, or mobile homes in operative condition and where no repair work is done. (Ord. 1436 §2 (part), 1981).

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Automobile Service Station. "Automobile service station" means a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale, and where repair service is secondary. (Ord. 1436 §2 (part), 1981).

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Basement. "Basement" means a space wholly or partly under-ground, and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade. (Ord. 1436 §2 (part), 1981).

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Billboard. "Billboard" means the same as "advertising structure." (Ord. 1436 §2 (part), 1981).

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Block. "Block" means an area completely bounded by streets, or a combination of streets, major rights-of-way, waterways, city boundary, or other major physical features. (Ord. 1436 §2 (part), 1981). **Boarding and Rooming Houses.** "Boarding and rooming houses"

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means a dwelling or part thereof, other than a hotel or motel where lodging with or without meals is provided, for compensation, for three or more persons. (Ord. 1436 §2 (part), 1981).

Building. "Building" means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind. (Ord. 1436 §2 (part), 1981).

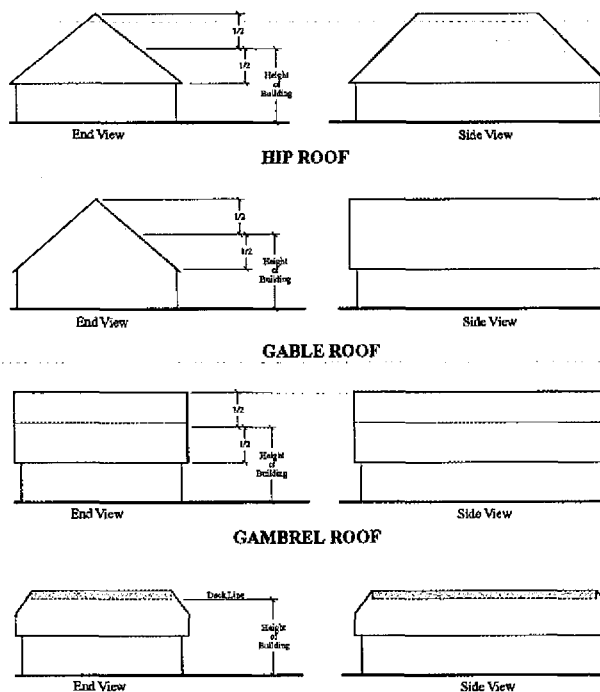
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Building Area. "Building area" means the sum in square feet of the area of the horizontal projections of all buildings on a lot, excluding open pergolas, steps, chimneys, eaves, buttresses, cornices, unenclosed and unroofed terraces, and minor ornamental features projecting from the walls of the building that are not directly supported by the ground. (Ord. 1436 §2 (part), 1981).

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Building Height. "Building height" shall mean the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; to the deck line for flat roofs; to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs (see Building Height Illustrations). (Ord. 1436 §2 (part), 1981).

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Building Height Illustrations

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Deleted: means the vertical dimension of a building as measured from the finished grade of the lot to the highest point of the building. Where a building is located on sloping terrain, the height may be measured from the average building line elevation.

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Buffer. "Buffer" means a land area or a physical barrier such as a wall, hedge, fence, waterway, or other feature that has been established for the purpose of reducing or mitigating the adverse effects of a land use upon another land use. (Ord. 1436 §2 (part), 1981).

Centerline. "Centerline" means the linear

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centerline of a right-of-way, as established by the city. (Ord. 1436 §2 (part), 1981).

Church. "Church" means a permanently located building wholly or partly used for the purpose of religious worship. (Ord. 1436 §2 (part), 1981).

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- | **City.** "City," as used in this title, means the city of Central Point, Oregon. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.130
- | **City Council.** "City council," as used in this title, means the city council of the city of Central Point, Oregon. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.135
- | **Clinic.** "Clinic" means a place for group medical services not involving overnight housing of patients. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.140
- | **Common Open Space.** "Common open space" means an area within a planned unit development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the general public. (Ord. 1615 §61, 1989). Deleted: 17.08.142
- | **Condominium Unit.** "Condominium Unit" means a part of the property consisting of a building or one or more rooms occupying one or more floors of a building or a part or parts thereof, intended for any type of independent ownership, the boundaries of which are described pursuant to ORS 94.029(1.c) and with direct exit to a public street or to a common area or areas leading to a public street. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.145
- | **Contiguous.** "Contiguous" means the same as "abutting" and "adjoining." (Ord. 12436 §2 (part), 1981). Deleted: means an estate in real property consisting of an undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial or commercial building, such as an apartment, office or store.
- | **Convalescent Home.** "Convalescent home" means a group quarters type facility for either short or long term individual care, medical treatment, rehabilitation or recuperation from disability or illness. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.150
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- | **Day Care Center.** "Day care center" means any type of regularly operated group day care programs, including nurseries for children or working parents, nursery schools for children under minimum age for education in a public school, parent cooperatives, nursery schools, playgrounds for preschool children and programs covering after school care for school children. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.160
- | **District.** "District" means a portion of the total area within the boundaries of the city of Central Point within which specific sections of the ordinance codified in this title apply. For example, the R-1, residential single-family district. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.165
- | **Drive-In Businesses.** "Drive-in businesses" means all automobile service stations, businesses which dispense gas and oil as an ancillary use, car washes, commercial parking lots, convenience dairies, fast-food outlets, and any other commercial uses where products or services are delivered or administered directly to motor vehicles or their occupants. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.170
- | **Dwelling Group.** "Dwelling group" means a group of two or more detached buildings used for residential dwelling purposes, located on a parcel of land in one ownership and having any yard or court in common. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.175
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- Dwelling, Multi-Family.** "Multi-family dwelling" means a building containing three or more residential dwelling units. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.180
- Dwelling, Single-Family.** "Single-family dwelling" means a detached building containing a single residential dwelling unit, not including manufactured homes or mobile homes. (Ord. 1684 §16, 1993; Ord. 1436 §2 (part), 1981). Deleted: 17.08.185
- Dwelling, Two-Family.** "Two-family dwelling" means a detached building containing two residential dwelling units. (Ord. 1436 §2 (part), 1981), **Dwelling Unit.** "Dwelling unit" means one or more rooms designed for occupancy by one family and having no more than one cooking facility. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.190
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- Family.** "Family" means an individual; or two or more persons related by blood, marriage, legal adoption or guardianship; or a group of not more than five unrelated persons living together in a dwelling unit. (Ord. 1719 §1, 1995; Ord. 1436 §2 (part), 1981). Deleted: 17.08.200
- Farm Use.** "Farm use" means the use of land for the purpose of obtaining a profit from the production and sale of agricultural products, animals or animal products, including accessory uses. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.205
- Fence.** "Fence" means a structure serving as an enclosure, barrier, or boundary, including free-standing walls, hedges and screen plantings. (Ord. 1684 §17, 1993). Deleted: 17.08.208
- Fence, Sight Obscuring.** "Sight obscuring fence" means a fence constructed in such a manner or of such materials as to obstruct vision. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.210
- Floor Area.** "Floor area" means the sum in square feet of all floor areas on each floor of a building, contained within the exterior walls of all buildings on a specific lot. (Ord. 1684 §18, 1993; Ord. 1436 §2 (part), 1981). Deleted: 17.08.215
- Floor Area Ratio (F.A.R.).** "Floor area ratio" means a mathematical ratio determined by dividing the total floor area of a building or buildings by the area of the lot on which it (or they) is located. (Ord. 1436 §2 (part), 1981), **Frontage.** "Frontage" means that portion of a lot which abuts a dedicated street or highway. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.220
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- Garage.** "Garage" means a fully enclosed detached accessory building or portion of a main building, designed for the shelter or storage of an automobile. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.230
- Grade.** "Grade" means the average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation or "grade." (Ord. 1436 §2 (part), 1981). Deleted: 17.08.235

- Guesthouse.** "Guesthouse" means an accessory building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main building, and containing no kitchen facilities. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.240
- Hedge.** "Hedge" means a series of plants, shrubs or other landscape material, so placed as to act as a buffer or to form a physical barrier or enclosure. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.245
- Home Occupation.** "Home occupation" means any occupation conducted within a residential dwelling unit by a member or members of the family residing in that unit, provided such occupation is clearly incidental and secondary to the primary residential use of that dwelling and is in accordance with Section 17.60.190. (Ord. 1684 §19, 1993; Ord. 1436 §2 (part), 1981). Deleted: ¶
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- Junkyard.** "Junkyard" means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or otherwise handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for the storage of salvaged materials, not including such places where these types of uses are conducted entirely within a completely enclosed building. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.255
- Kennel.** "Kennel" means any premises where five or more dogs, cats, or other small animals or any combination thereof, are kept commercially or permitted to remain, for board, propagation, training or sale, not including veterinary clinics and animal hospitals. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.260
- Landscaping.** "Landscaping" means any combination of permanently maintained live trees, lawn, shrubs, or other plant materials, including inorganic accessory materials utilized to accent or complement the vegetation. Fountains, ponds, sculpture, lampposts, fences, and other functional or decorative features may be integral components of a landscape plan. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.266
- Lot.** "Lot" means a parcel of land lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.270
- Lot Area.** "Lot area" means the total area within the boundary lines of a lot, exclusive of any street or alley rights-of-way. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.275
- Lot, Corner.** "Corner lot" means a lot situated at the intersection of two or more streets, which have an interior angle of intersection of not more than one hundred thirty-five degrees. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.280
- Lot Coverage.** "Lot coverage" means the percentage of the lot area, exclusive of rights-of-way, that is covered by structures or buildings, including accessory buildings. (Ord. 1436 §2 (part), 1981). Deleted: 17.08.285

Lot Depth. The horizontal distance between the front and rear property lines of a lot measured along a line midway between the side property lines.

Lot Line, Front. "Front lot line" means the property line abutting a street. In the case of a corner lot, the property line having the shortest street frontage. In cases where both street frontage property lines are of equal length, the front lot line shall be the line located along the longer of the two block faces. (Ord. 1436 §2 (part), 1981).

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Lot Line, Rear. "Rear lot line" means a lot line not abutting a street, which is opposite and most distant from the front lot line. (Ord. 1436 §2 (part), 1981).

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Lot Line, Side. "Side lot line" means any lot line not meeting the definitions of a "front" or "rear" lot line. (Ord. 1436 §2 (part), 1981).

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Lot Width. The perpendicular bisect of the lot depth measurement.

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Maintain. "Maintain" means to cause or allow to continue in existence. When the context indicates, the word means "to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required." (Ord. 1436 §2 (part), 1981).

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Manufactured Home. "Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (Ord. 1684 §20, 1993; Ord. 1436 §2 (part), 1981).

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Mobile Home. "Mobile home" means a structure designed with wheels for transporting from its place of manufacture to a permanent or temporary site where it is used as a residential dwelling having complete bath and kitchen facilities, but not necessarily a permanent foundation. (Ord. 1436 §2 (part), 1981). **Mobile Home Park.** "Mobile home park" means any lot on which two or more mobile homes are located and being used for residential purposes, other than as a guesthouse, and where the primary purpose is to rent space, rent related or necessary facilities, or to offer space and facilities in exchange for trade or services. (Ord. 1436 §2 (part), 1981).

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Multiple-Family, Multiplex, or Apartment Dwelling. Multiple-family, multiplex, or apartment dwelling means attached dwelling units in one or more structures, but having at least three or more dwelling units per structure.

Nonconforming Structure or Use. "Nonconforming structure" or "nonconforming use" means a structure, building, or use that was lawfully constructed or established, but which no longer conforms to the regulations or requirements of this chapter. (Ord. 1436 §2 (part), 1981).

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- Outdoor Advertising.** "Outdoor advertising" means any signing, lettering, or use of flags, pennants, banners, or other devices for the purpose of attracting attention or promoting the sale or usage of a product or service not available on the premises on which the advertising is being done. This is generally not applicable to advertising generally associated with candidates for public office or for or against the adoption of any ballot measure. (Ord. 1436 §2 (part), 1981).

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- Outdoor Advertising Structure.** "Outdoor advertising structure" means any structure erected and maintained for outdoor advertising purposes, including billboards, off-premises signs, and similar structures. (Ord. 1436 §2 (part) 1981).

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- Padlot.** "Padlot" means a smaller-than-standard-sized lot, created within a padlot development, and subject to the requirements of Section 17.60.210 of this title. (Ord. 1726 §1, 1995).

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- Padlot Development.** "Padlot development" means the subdivision of a standard-sized parent lot into smaller-than-standard-sized padlots, together with a common area, if designed to include a common area, as defined and regulated in this title. (Ord. 1731 §1, 1995; Ord. 1726 §2, 1995).

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- Pets.** "Pets" means those animals, fowl, insects, or fish which are normally and reasonably kept as household pets, not including any animals that are considered wild or vicious, or other creatures which, if not contained, would be considered dangerous to the public health or safety. (Ord. 1436 §2 (part), 1981).

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- Planned Unit Development (PUD).** "Planned unit development (PUD)" means the development of an area of land as a whole for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or require open space to the regulations otherwise required by this title. (Ord. 1615 §62, 1989).

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- Planning Commission.** "Planning commission," as used in this title, means the planning commission of the city of Central Point, Oregon. (Ord. 1436 §2 (part), 1981).

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- Plot Plan.** "Plot plan" means a scale drawing of a lot and the adjacent and surrounding areas, showing the use and location of all existing and proposed buildings, structures and improvements, and drawn to such a scale, detail and description as may be required by staff, the planning commission or provisions of Chapter 17.72. Also commonly referred to as a "site plan." (Ord. 1436 §2 (part), 1981).

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- Professional Office.** "Professional office" means offices which deal primarily with professional services and in which goods, wares and general merchandise are not commercially created, sold or exchanged. Such offices commonly include medical, engineering, architecture, law, accounting, bookkeeping and brokerage offices. (Ord. 1436 §2 (part), 1981).

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- Recreational Vehicle.** "Recreational vehicle" means a motor home, travel trailer, tent trailer, or other vehicle, with or without motive power, which is

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designed for human habitation for recreational purposes and which may be legally moved on public roads and highways. Such vehicles generally do not contain complete kitchen, bath, sanitation, electrical or heating facilities and, therefore, are not considered to be permanent dwelling units. (Ord. 1436 §2 (part), 1981).

Residential Facility. "Residential facility" shall have the same meaning given that term in ORS 197.1660(1). (Ord. 1684 §21, 1993).

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Residential Home. "Residential home" shall have the same meaning given that term in ORS 197.660 (2). (Ord. 1684 §22, 1993).

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Shopping Center. "Shopping center" means a group of commercial establishments planned, developed, owned or managed as a unit; related in location, size and types of shops to the trade area it serves; and including an overall landscaping and parking plan and other design elements intended to tie the individual stores into the total "center" concept. (Ord. 1436 §2 (part), 1981).

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Sign. "Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign shall be considered a sign. (Ord. 1436 §2 (part), 1981).

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Street. "Street" means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms road, highway, lane, place, avenue, alley, and other similar designations. (Ord. 1436 §2 (part), 1981).

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Single-Family Detached Dwelling. "Single-family detached dwelling" means detached dwelling units that do not have roofs, walls, or floors in common with any other dwelling units, and are located on individual tax lots.

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Structure. "Structure" means anything constructed or built which requires location on the ground or is attached to something having a location on the ground, including swimming pools, covered patios, fences and walls; but not including normal plants and landscaping materials, paved outdoor areas, walks, driveways, and similar improvements. (Ord. 1436 §2 (part), 1981).

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Temporary Structure. A structure utilized on a short term, seasonal or intermittent use. Temporary structures in residentially zoned districts may remain as long as needed, provided such structures meet the criteria listed in Section 17.60.030. Temporary structures located within other districts may remain for a duration of one month per calendar year unless approved for a longer period by the city administrator. (Ord. 1818 §1(part), 2001).

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Use. "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. (Ord. 1436 §2 (part), 1981).

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Yard. "Yard" means an open space on a lot which is unobstructed, except for fences, from the ground upward, except as provided in Section 17.60.100. (Ord. 1684 §23, 1993; Ord. 1436 §2 (part), 1981).

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Yard, Front. "Front yard" means an open, unoccupied and unobstructed space, except for fences, extending the full width of the lot between the minimum required front yard set back and the front lot line (see illustration below). (Ord. 1684 §24, 1993; Ord. 1436 §2 (part), 1981).

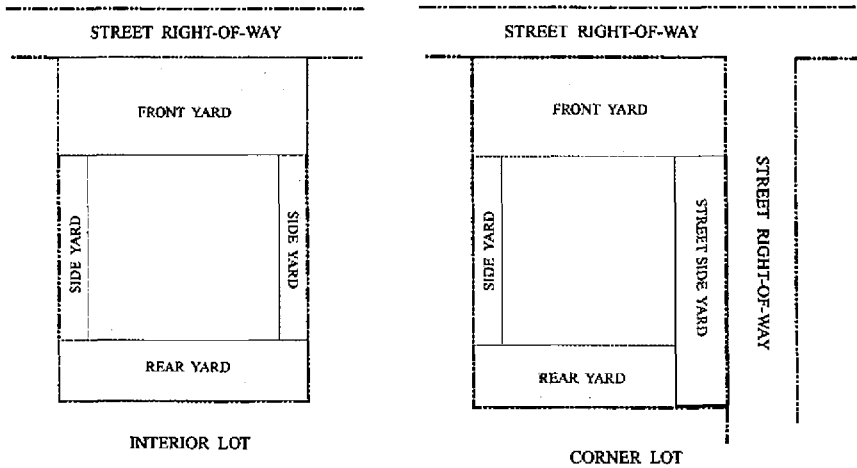
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Yard, Rear. "Rear yard" means an open, unoccupied and unobstructed space, except for fences, extending the full width of the lot between the minimum required rear yard set back and the rear lot line (see illustration below). (Ord. 1648 §25, 1993; Ord. 1436 §2 (part), 1981).

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Yard, Side Corner Lot. "Side yard corner lot" means an open, unoccupied and unobstructed space, except for fences, extending from the front yard to the rear lot line between the minimum side yard set back and the nearest side lot line (see illustration above).

Yard, Side Interior Lot. "Side yard, interior lot" means an open, unoccupied and unobstructed space, except for fences, extending from the front yard to the rear yard between the minimum side yard set back and the nearest side lot line (see illustration above). (Ord. 1648 §26, 1992; Ord. 1436 §2 (part), 1981).

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EXHIBIT 2

Chapter 17.16 R-L, RESIDENTIAL LOW-DENSITY DISTRICT

Sections:

- 17.16.010 Purpose.
- 17.16.020 Permitted uses.
- 17.16.030 Conditional uses.
- 17.16.040 Height regulations.
- 17.16.050 Area, width and yard requirements.
- 17.16.060 Lot coverage.

17.16.010 Purpose.

The purpose of the R-L district is to provide for a semi-rural residential environment along the periphery of the urban growth boundary which will act as an effective transitional area or buffer between urban and rural land uses and also provide for a development alternative in areas having unusual characteristics that make them less suitable for higher-density residential development. (Ord. 1529 §1(part), 1984; Ord. 1436 §2(part), 1981).

17.16.020 Permitted uses.

The following uses and their accessory uses are permitted in the R-L district:

A. Single-family dwelling;

B. Single-family manufactured home, as defined in Section 17.08.310, and subject to the following conditions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade.
3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance

standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area.
7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural requirements and minimum size requirements with which conventional single-family residential dwellings on the same lot would be required to comply.

C. Accessory uses are permitted as follows:

1. Guesthouse, not rented or otherwise conducted as a business;
2. Greenhouse for domestic noncommercial gardening;
3. Personal hobby or work shop;
4. Garage and other storage buildings for personal, noncommercial use.

D. Residential homes.

E. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660(1); provided, however, the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530. (Ord. 1684 §28, 1993; Ord. 1529 §1(part), 1984; Ord. 1436 §2(part), 1981).

17.16.030 Conditional uses.

The following uses and their accessory uses are permitted in the R-L district when authorized in accordance with Chapter 17.76:

- A. Rest, nursing and convalescent homes;
- B. Cemeteries, mausoleums, columbariums, crematoriums;
- C. Churches and similar religious institutions;
- D. Public and parochial schools;
- E. Public and governmental uses including parks and recreational facilities, fire stations, museums, but not including storage or repair yards, warehouses or similar uses;
- F. The keeping of small animals other than pets as defined in Chapter 17.08;

G. Planned unit developments subject to provisions of Chapter 17.68;

H. The temporary placement of mobile homes on single lots for the purpose of providing full-time care for the infirm, subject to the provisions of Section 17.60.055. (Ord. 1684 §29, 1993; Ord. 1615 §6, 1989; Ord. 1551 §1, 1985; Ord. 1529 §1(part), 1984; Ord. 1436 §2(part), 1981).

17.16.040 Height Regulations. No building or structure shall exceed a maximum height of thirty-five feet in the R-L district. (Ord. 1529 §1 (part), 1984; Ord. 1436 §2 (part), 1981).

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17.16.050 Area, Width and Yard Requirements. The following lot requirements shall be observed in the R-L district:

- A. Lot Area. The lot area shall be a minimum of fifteen thousand square feet.
- B. Lot Width. The lot width shall be a minimum of seventy-five feet.
- C. Front Yard. The front yard shall be a minimum of twenty feet.
- D. Side Yard. Side yards shall be a minimum of ten feet; provided, however, that side yards abutting a street or a proposed or planned future street shall also be subject to the following:
 - 1) Sight distance and clear vision area requirements set forth in the Public Works Standards;
 - 2) Special setback rules set forth in Section 17.60.090; and
 - 3) For structures or a part of any structure served by a driveway located on the side yard, the minimum side yard setback, for that part of the structure serving the driveway, such as a garage or carport, shall be twenty feet.

E. Rear Yard. The rear yard shall be a minimum of fifteen feet.

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F. Notwithstanding the yard requirements of subsections C, D and E of this Section, no dwelling shall be closer than seventy-five feet (including rights-of-way) to land zoned exclusive farm use by Jackson County. (Ord. 1738 §1, 1996; Ord. 1723 §1, 1995; Ord. 1615 §22, 1989; Ord. 1529 §1 (part), 1984; Ord. 1436 §2 (part), 1981).

17.16.060 Lot coverage.

The maximum permitted aggregate building coverage shall be thirty percent of the total lot area in the R-L district. (Ord. 1529 §1(part), 1984; Ord. 1436 §2(part), 1981)

EXHIBIT 3

**Chapter 17.20
R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT**

Sections:

17.20.010 Purpose.

17.20.020 Permitted uses.

17.20.030 Conditional uses.

17.20.040 Height regulations.

17.20.050 Area, width and yard requirements.

17.20.060 Special yards and distances between buildings.

17.20.070 Lot coverage.

17.20.010 Purpose.

The purpose of the R-1 district is to stabilize and protect the urban low density residential characteristics of the district while promoting and encouraging suitable environments for family life. (Ord. 1436 §2(part), 1981).

17.20.020 Permitted uses.

The following uses and their accessory uses are permitted in an R-1 district:

- A. Single-family dwelling;
- B. Public schools, parks and recreation facilities;
- C. Churches and similar religious institutions;
- D. Parochial and private schools, but not including business, dancing, music, trade, technical or nursery schools, kindergartens or day nurseries;
- E. Developer's project and sales offices, including mobile homes and trailers adapted to that purpose, during construction of the project only;
- F. Planned unit development;

G. Residential homes;

H. Single-family manufactured home, as defined in Section 17.08.310, and subject to the following conditions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade.
3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area.
7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural requirements and minimum size requirements with which conventional single-family residential dwellings on the same lot would be required to comply;

I. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660(1); provided, however, the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530. (Ord. 1684 §30, 1993; Ord. 1615 §29, 1989; Ord. 1436 §2(part), 1981).

Section 17.020.040 Height Regulations. A maximum height of thirty-five feet is allowed in an R-1 district.

Deleted: two and one-half stories, or
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Section 17.20.050 Density, Lot Area, Lot Width, Dimension, Building Height, Lot Coverage, and Yard Requirements. The density and lot requirements of the R-1 zoning district are governed by the subcategories of the R-1-6, R-1-8, and R-1-10 districts as delineated on the official zoning map of Central Point. The density, lot area, lot dimensions, building height, lot coverage and yard requirements of these subcategories shall be in accordance with the following table:

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Development Requirements	R-1-6	R-1-8	R-1-10
Minimum Density	4 Units/Acre	3 Units/Acre	2 units/Acre
Maximum Density	6 Units/Acre	5 Units/Acre	4 units/Acre
Minimum Lot Area (interior)	5,000	8,000	10,000
Maximum Lot Area (interior)	9,000	12,000	15,000
Minimum Lot Area (corner)	7,000	8,000	10,000
Maximum Lot Area (corner)	NA	NA	NA
Minimum Lot Width (interior)	50 feet	50 feet	60 feet
Minimum Lot Width (corner)	60 feet	60 feet	70 feet
Minimum Lot Depth	N/A	N/A	N/A
Minimum Front Yard	20 feet	20 feet	20 feet
Minimum Side Yard (interior)	5 feet ¹	5 feet ¹	5 feet ¹
Minimum Side Yard (street side)	10 feet ²	10 feet ²	10 feet ²
Minimum Rear Yard	15 feet	15 feet	15 feet
Maximum Building Height	35 feet	35 feet	35 feet
Maximum Lot Coverage	50%	50%	40%

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¹ Side yard setback shall be increased by an additional ½ foot for each additional foot of building height above 15 feet.

- ² Side yards abutting streets shall comply with the following:
1. Sight distance and clear vision area requirements set forth in the public works standards;
 2. Special set back rules set forth in Section 17.60.090; and
 3. For structures or a part of any structure served by a driveway located on the side yard, the minimum side yard set back, for that part of the structure serving the driveway, such as a garage or carport, shall be twenty feet.

(Ord. 1738 §2, 1996; Ord. 1723 §2, 1995; Ord. 1684 §32, 1993; Ord. 1615 §23, 1989; Ord. 1436 §2(part), 1981).

Deleted: 17.20.060 Special Yards and Distances Between Buildings. The distance between any principal building and detached accessory building shall be a minimum of ten feet.

Deleted: (Ord. 1436 §2(part), 1981).

Deleted: 17.20.070 Lot Coverage. The maximum permitted aggregate coverage shall be forty percent of the total area.

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SECTION 4
Chapter 17.65
TOD DISTRICTS AND CORRIDORS

Sections:

- 17.65.010 Purpose.
- 17.65.020 Area of application.
- 17.65.030 Conflict with other regulations.
- 17.65.040 Land use--TOD district.
- 17.65.050 Zoning regulations--TOD district.
- 17.65.060 Land use--TOD corridor.
- 17.65.070 Zoning regulations--TOD corridor.

17.65.010 Purpose.

The purpose of the Central Point transit oriented development (TOD) district is to promote efficient and sustainable land development and the increased use of transit as required by the Oregon Transportation Planning Rule. (Ord. 1815 §1 (part), Exh. B (part), 2000).

17.65.020 Area of application.

These regulations apply to the Central Point TOD district and corridor. The boundaries of these two areas are shown on the official city comprehensive plan and zoning maps.

- A. A development application within the TOD district shall comply with the requirements of this chapter.
- B. At the discretion of the applicant, a development application within the TOD corridor shall be subject to:
 - 1. The normal base zone requirements as identified on the official zoning map and contained in this code; or
 - 2. The TOD corridor requirements contained in this chapter. (Ord. 1815 §1 (part), Exh. B (part), 2000).

17.65.030 Conflict with other regulations.

When there is a conflict between the provisions of this chapter and other requirements of this title, the provisions of this chapter shall govern. (Ord. 1815 §1 (part), Exh. B (part), 2000).

17.65.040 Land Use – TOD District. Four special zone district categories are applied in the Central Point TOD corridor. The characteristics of these zoning districts are summarized in subsections A through D of this section.

A. Residential (TOD).

1. **LMR--Low Mix Residential.** This is the lowest density residential zone in the district. Single-family detached residences are intended to be the primary housing type, however attached single-family, and lower density multifamily housing types are also allowed and encouraged.
2. **MMR--Medium Mix Residential.** This medium density residential zone focuses on higher density forms of residential living. The range of housing types includes higher density single-family and a variety of multifamily residences. Low impact commercial activities may also be allowed.
3. **HMR--High Mix Residential/Commercial.** This is the highest density residential zone intended to be near the center of the TOD district. High density forms of multifamily housing are encouraged along with complementary ground floor commercial uses. Low impact commercial activities may also be allowed. Low density residential uses are not permitted.

B. Employment (TOD)

1. **EC – Employment Commercial.** Retail, service, and office uses are primarily intended for this district. Activities which are oriented and complementary to pedestrian travel and transit are encouraged. Development is expected to support pedestrian access and transit use. Automobile-oriented activities are generally not included in the list of permitted uses. Residential uses above ground floor commercial uses are also consistent with the purpose of this zone.
2. **GC – General Commercial.** Commercial and industrial uses are primarily intended for this district. Activities which are oriented and complementary to pedestrian travel and transit are encouraged. Residential uses above ground floor commercial uses are also consistent with the purpose of this zone.

Deleted: Because of the more intense nature of the businesses allowed, mixed residential uses are not permitted.

C. C--Civic (TOD). Civic uses such as government offices, schools, and community centers are the primary uses intended in this district. These uses can play an important role in the vitality of the TOD district.

D. OS--Open Space (TOD). Because the density of development will generally be higher than other areas in the region, providing open space and recreation opportunities for the residents and employees in the TOD district becomes very important. This zone is

intended to provide a variety of outdoor and recreation amenities. (Ord. 1815 §1(part), Exh. B(part), 2000).

17.65.050 Zoning Regulations – TOD District

A. Permitted Uses. Permitted uses in Table 1 are shown with a "P." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

B. Limited Uses. Limited uses in Table 1 are shown with an "L." These uses are allowed if they comply with the specific limitations described in this chapter and the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

C. Conditional Uses. Conditional uses in Table 1 are shown with a "C." These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other conditional uses identified in this title.

D. Density. The allowable residential density and employment building floor area are specified in Table 2.

E. Dimensional Standards. The dimensional standards for lot size, lot dimensions, building setbacks, and building height are specified in Table 2.

F. Development Standards.

1. Housing Mix. The required housing mix for the TOD district is shown in Table 2.

2. Accessory Units. Accessory units are allowed as indicated in Table 1. Accessory units shall meet the following standards:

- a. A maximum of one accessory unit is permitted per lot;
- b. The primary residence and/or the accessory unit on the lot must be owner-occupied;
- c. An accessory unit shall have a maximum floor area of eight hundred square feet;
- d. The applicable zoning standards in Table 2 shall be satisfied.

TABLE 1 TOD District Land Uses

Use Categories	Zoning District						
	LMR	MMR	HMR	EC	GC	C	OS
RESIDENTIAL							
Dwelling, Single-Family Large & Standard Lot	P	L5	N	N	N	N	N
Zero Lot Line, Detached	P	P	N	N	N	N	N
Attached Row Houses	P	P	P	C	N	N	N
<i>Dwelling, Multi-Family</i>							
Multiplex, Apartment	P	P	P	L1	<u>L1</u>	N	N
Accessory Units	P1	P1	P1	C	N	N	N
Boarding/Rooming House	N	C	C	N	N	N	N
<i>Family Care</i>							
Family Day Care	P	P	P	N	N	N	N
Day Care Group Home	C	C	P	N	N	N	N
Adult Day Care	C	C	C	N	N	N	N
Home Occupation	P	P	P	P	N	N	N
Residential Facility	P	P	P	N	N	N	N
Residential Home	P	P	P	N	N	N	N
Senior Housing	N	P	P	L1	N	C	N
COMMERCIAL							
Entertainment	N	N	C	P	P	N	N
Professional Office	C	L3	L3, L4	P	P	P	N
<i>Retail Sales & Service</i>							
Sales – oriented	C	L3	L3	P	P	N	N
Personal Service – oriented	C	C	C	P	P	N	N
Repair – oriented	N	N	N	P	P	N	N
Drive-Through Facilities	N	N	N	P	P	N	N
Quick Vehicle Service	N	N	N	P	P	N	N
Vehicle Sales, Rental and Repair	N	N	N	P	P	N	N
<i>Tourist</i>							

- Deleted: N
- Deleted: Apartments and Condominiums
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<i>Accommodations</i>							
Motel/Hotel	N	N	C	P	P	N	N
Bed and Breakfast Inn	C	C	P	P	P	N	N
INDUSTRIAL							
Manufacturing	N	N	N	N	P	N	N
<i>Industrial Service</i>							
Light	N	N	N	N	P	N	N
Heavy	N	N	N	N	C	N	N
Wholesale Sales	N	N	N	N	P	N	N
CIVIC							
Community Services	C	C	C	N	N	P	C
Hospital	C	C	C	C	N	C	N
Public Facilities	C	C	C	C	C	C	N
Religious Assembly	C	C	C	C	N	P	N
Schools	C	C	C	N	N	P	L2
Utilities	C	C	C	C	C	C	C
OPEN SPACE							
Parks and Open Space	P	P	P	P	P	P	P

N – Not Permitted

P – Permitted Use

P1 – Permitted Use, 1 unit per lot

C – Conditional Use

L1 – Only permitted as residential units above ground floor commercial

L2 – School athletic and play fields only. School building and parking lots are not permitted

L3 – Ground floor business within a multifamily building. Maximum floor area of ten thousand square feet per tenant.

L4 – Only permitted as a transition between adjacent lower density zone and/or when adjacent to environmentally sensitive area

L5 – Only permitted as a transition between lower density zones and/or when adjacent to an environmentally sensitive area.

3. Parking Standards. The off-street parking and loading requirements in Chapter 17.64 shall apply to the TOD district and TOD corridor, except as modified by the standards in this section.

- a. Fifty percent of all residential off-street parking areas shall be covered. Accessory unit parking spaces are not required to be covered.

b. Parking standards may be reduced when transit service is provided in the TOD district and TOD corridor and meets the following conditions:

i. Parking standards may be reduced up to twenty-five percent when transit service is provided in the TOD district and TOD corridor.

ii. Parking standards may be reduced up to fifty percent when transit service is provided in the TOD district and TOD corridor and when bus service includes fifteen minute headways during the hours of seven to nine a.m. and four to six p.m.

c. Bicycle parking standards shall not be reduced at any time.

d. Shared parking easements or agreements with adjacent property owners are encouraged to satisfy a portion of the parking requirements for a particular use where compatibility is shown. Parking requirements may be reduced by the city when reciprocal agreements of shared parking are recorded by adjacent users.

**TABLE 2
TOD District Zoning Standards**

Standard	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
<i>Density – Units Per Net Acre (f)</i>							
Maximum	12	32	NA	NA	NA	NA	NA
Minimum	6	14	30	NA	NA	NA	NA
<i>Dimensional Standards</i>							
<i>Minimum Lot or Land Area/Unit</i>							
Large Single-Family	5,000 SF	NA	NA	NA	NA	NA	NA
Standard Single-Family	3,000 SF	NA	NA	NA	NA	NA	NA
Zero Lot Line Detached	2,700 SF	2,700 SF	NA	NA	NA	NA	NA
Attached Row Houses	2,000 SF	1,500 SF	1,200 SF	NA	NA	NA	NA
Multi-Family and Senior Housing	2,000 SF	1,500 SF	1,000 SF	1,000 SF	NA	NA	NA
<i>Minimum Lot or Land Area/Unit</i>							
Large Single-Family	7,500 SF	NA	NA	NA	NA	NA	NA
Standard Single-Family	4,500 SF	NA	NA	NA	NA	NA	NA
Zero Lot Line Detached	3,000 SF	3,000 SF	NA	NA	NA	NA	NA
Attached Row Houses	2,500 SF	2,000 SF	1,500 SF	NA	NA	NA	NA
Multi-Family and Senior Housing	2,500 SF	2,000 SF	1,500 SF	1,500 SF	NA	NA	NA
<i>Minimum Lot Width</i>							
Large Single-Family	50 ft	NA	NA	NA	NA	NA	NA
Standard Single-Family	50 ft	NA	NA	NA	NA	NA	NA
Zero Lot Line Detached	30 ft	30 ft	NA	NA	NA	NA	NA
Attached Row Houses	24 ft	22 ft	18 ft	NA	NA	NA	NA
Multi-Family and Senior Housing	NA	NA	NA	NA	NA	NA	NA
Minimum Lot Depth	50 ft	50 ft	50 ft	NA	NA	NA	NA
<i>Building Setbacks</i>							
Front (min./max.)	10 ft/15 ft	10 ft/15 ft	0 ft/15 ft	0 ft	15 ft	5 ft	15 ft
Side (between buildings.) (detached/attached)	5 ft detached 0 ft attached	5 ft detached 0 ft attached	5 ft detached 0 ft attached	0 ft 10 ft (b)	0 ft 15 ft (b)	0 ft 20 ft (b)	5 ft

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	(a)(c)	(a)(c)	(a)				
Corner (min./max.)	5 ft/10 ft	5 ft/10 ft	0 ft/10 ft	5 ft/10 ft	15 ft/30 ft	5 ft/10 ft	15 ft/NA
Rear	15 ft	15 ft	10 ft	0 ft 10 ft (b)	15 ft (b) 0 ft	0 ft 20 ft (b)	5 ft
Garage Entrance	(d)	(d)	(d)	(e)	(e)	(e)	NA
Maximum Building Height	35 ft	45 ft	60 ft	60 ft	60 ft	45 ft	35 ft
Maximum Lot Coverage	80%	80%	85%	100%	100%	85%	25%
Minimum Landscaped Area (i)	20% of Site Area	20% of Site Area	15% of Site Area(j)	0% of Site Area (h)	15 % of Site Area	15% of Site Area	NA
Housing Mix							
Required Housing Types as Listed Under Residential in Table 1.	< 16 units in development: 1 housing type 16 – 40 units in development: 2 housing types > 40 units in development: 3 or more housing types (plus approved master plan).			NA	NA	NA	NA

Notes:

NA – Not Applicable

- a) The 5-foot minimum also applies to the perimeter of the attached unit development.
- b) Setback required when adjacent to a residential zone.
- c) Setback required is 10 feet minimum between units when using zero lot line configurations.
- d) Ten (10) feet behind building façade facing street.
- e) Garage entrance shall not protrude beyond the face of the building.
- f) Net Acre equals the area remaining after deducting environmental lands, exclusive employment areas, exclusive civic areas, and right-of-way.
- g) Lot coverage refers to all impervious surfaces, including buildings and paved surfacing.
- h) Parking lot landscaping and screening requirements still apply.
- i) Landscaped area shall include living ground cover, shrubs, trees, and decorative landscaping material such as bark, mulch or gravel. No pavement or other impervious surfaces are permitted except for pedestrian pathways and seating areas.
- j) Rooftop gardens can be used to help meet this requirement.

Table 3	
TOD District and Corridor Parking Standards	
Use Categories	Minimum Required Parking
Residential Dwelling, Single-Family Large and standard lot 0 lot line, detached Attached row houses	2 spaces per unit.
Dwelling, Multifamily Plexes Apartments and condominiums	1.5 spaces per unit.
Dwelling, Accessory Unit	1 space per unit.
Boarding/Rooming House	1 space per accommodation, plus 1 space for every 2 employees.
Family Care Family day care Day care group home Adult day care	1 space for every 5 children or clients (minimum 1 space); plus 1 space for every 2 employees.
Home Occupation	Shall meet the parking requirement for the residence.
Residential Facility	1 space per unit.
Residential Home	1 space per unit.
Senior Housing	1 space per unit.
Commercial	
Entertainment	1 space per 250 square feet of floor area, except for theaters which shall provide 1 space per 4 seats.
Professional Office	1 space per 400 square feet of floor area.
Retail Sales & Service	
Sales-oriented	1 space per 500 square feet of floor area.
Personal service-oriented	1 space per 500 square feet of floor area.
Repair-oriented	1 space per 500 square feet of floor area.
Drive-through facilities	Parking as required by the primary use.
Quick vehicle service	1 space per 750 square feet of floor area.
Vehicle sales, rental and repair	1 space per 1,000 square feet of floor area.
Tourist Accommodations Motel/hotel Bed and breakfast inn	1 space per guest unit, plus 1 space for every 2 employees.

Industrial	
Manufacturing	1 space per employee of the largest shift.
Industrial Service Light Heavy	1 space per employee of the largest shift.
Wholesale Sales	1 space per employee of the largest shift.
Civic	
Community Services	Number to be determined as part of site plan or conditional use review.
Hospital	1 space per 500 square feet of floor area.
Public Facilities	Number to be determined as part of site plan or conditional use review.
Religious Assembly	1 space per 100 square feet of floor area for the main assembly area.
Schools	2 spaces per classroom.
Utilities	Number to be determined as part of site plan or conditional use review.
Open Space	
Parks and Open Space	Number to be determined as part of site plan or conditional use review.

(Ord. 1815 §1(part), Exh. B(part), 2000).

SECTION 5
Chapter 17.65
TOD DISTRICTS AND CORRIDORS

17.65.060 Land Use – TOD Corridor. Four special zone district categories are applied in the Central Point TOD corridor. The characteristics of these zoning districts are summarized in subsections A through D of this section.

A. Residential (TOD)

1. **LMR--Low Mix Residential.** This is the lowest density residential zone in the district. Single-family detached residences are intended to be the primary housing type, however attached single-family, and lower density multifamily housing types are also allowed and encouraged. The housing types within this zone are intended to support pedestrian-friendly access beyond five hundred feet of the primary transit route.
2. **MMR--Medium Mix Residential.** This medium density residential zone focuses on higher density forms of residential living. The range of housing types includes higher density single-family and a variety of multifamily residences and is intended to support pedestrian-friendly access within five hundred feet of the primary transit route. Low impact commercial activities may also be allowed.

B. Employment (TOD)

1. **EC – Employment Commercial.** Retail, service, and office uses are primarily intended for this district. Activities which are oriented and complementary to pedestrian travel and transit are encouraged. Development is expected to support pedestrian access and transit use. Automobile-oriented activities are generally not included in the list of permitted uses. Residential uses above ground floor commercial uses are also consistent with the purpose of this zone.
2. **GC – General Commercial.** Commercial and industrial uses are primarily intended for this district. Activities which are oriented and complementary to pedestrian travel and transit are encouraged. Residential uses above ground floor commercial uses are also consistent with the purpose of this zone.

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17.65.70 Zoning Regulations – TOD Corridor.

A. Permitted Uses. Permitted uses in Table 4 are shown with a “P”. These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

B. Limited Uses. Limited uses in Table 4 are shown with an “L”. These uses are allowed if they comply with the specific limitations described in this chapter and the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

C. Conditional Uses. Conditional uses in Table 4 are shown with a “C”. These uses are allowed if they comply with the applicable provisions of this title. They are subject to the same application and review process as other permitted uses identified in this title.

D. Density. The allowable residential density and employment building floor area are specified in Table 5.

E. Dimensional Standards. The dimensional standards for lot size, lot dimensions, building setbacks, and building height are specified in Table 5.

F. Development Standards.

1. Housing Mix. The required housing mix for the TOD zoning districts is shown in Table 5.
2. Accessory Units. Accessory units are allowed as indicated in Table 4. Accessory units shall meet the following standards:
 - a. A maximum of one accessory unit is permitted per lot.
 - b. The primary residence and/or the accessory unit on the lot must be owner-occupied.
 - c. An accessory unit shall have a maximum floor area of eight hundred square feet.
 - d. The applicable zoning standards in Table 5 shall be satisfied.

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TABLE 4 TOD Corridor Land Uses				
Use Categories	Zoning Districts			
	LMR	MMR	EC	GC
RESIDENTIAL				
Dwelling, Single-Family Large & Standard Lot	P	L4	N	N
Zero Lot Line, Detached	P	P	N	N
Attached Row Houses	P	P	N	N
<i>Dwelling, Multi-Family</i>				
Multiplex, Apartment	P	P	L1	L1
Accessory Units	P1	P1	C	N
Boarding/Rooming House	N	C	N	N
<i>Family Care</i>				
Family Day Care	P	P	N	N
Day Care Group Home	C	C	N	N
Adult Day Care	C	C	N	N
Home Occupation	P	P	P	N

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Residential Facility	P	P	N	N
Residential Home	P	P	N	N
Senior Housing	N	P	L1	N
COMMERCIAL				
Entertainment	N	N	P	P
Professional Office	C	L3	P	P
<i>Retail Sales & Service</i>				
Sales – oriented	C	L3	P	P
Personal Service – oriented	C	C	P	P
Repair – oriented	N	N	P	P
Drive-Through Facilities	N	N	P	P
Quick Vehicle Service	N	N	P	P
Vehicle Sales, Rental and Repair	N	N	N	P
<i>Tourist Accommodations</i>				
Motel/Hotel	N	N	P	P
Bed and Breakfast Inn	C	C	P	P
INDUSTRIAL				
Manufacturing	N	N	N	P
<i>Industrial Service</i>				
Light	N	N	N	P
Heavy	N	N	N	C
Wholesale Sales	N	N	N	P
CIVIC				
Community Services	C	C	N	N
Hospital	C	C	C	N
Public Facilities	C	C	C	C
Religious Assembly	C	C	C	N
Schools	C	C	N	N
Utilities	C	C	C	C
OPEN SPACE				
Parks and Open Space	P	P	P	P

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N – Not Permitted

P – Permitted Use

P1 – Permitted Use, 1 unit per lot

C – Conditional Use

L1 – Only permitted as residential units above ground floor commercial

L2 – School athletic and play fields only. School building and parking lots are not permitted

L3 – Ground floor business within a multifamily building. Maximum floor area of ten thousand square feet per tenant.

L4 – Only permitted as a transition between adjacent lower density zone and/or when adjacent to environmentally sensitive area.

L5--Only permitted as a transition between adjacent lower density zone and/or when adjacent to an environmentally sensitive area.

**TABLE 5
TOD Corridor Zoning Standards**

Standard	Zone District			
	LMR	MMR	EC	GC
<i>Density – Units Per Net Acre (f)</i>				
Maximum	12	32	NA	NA
Minimum	6	14	NA	NA
Dimensional Standards				
<i>Minimum Lot Area or Land Area/Unit</i>				
Large Single-Family	5,000 SF	NA	NA	NA
Standard Single-Family	3,000 SF	NA	NA	NA
Zero Lot Line Detached	2,700 SF	2,700 SF	NA	NA
Attached Row Houses	2,000 SF	1,500 SF	NA	NA
Multi-Family and Senior Housing	2,000 SF	2,000 SF	1,000 SF	NA
<i>Average Minimum Lot or Land Area/Unit</i>				
Large Single-Family	7,500 SF	NA	NA	NA
Standard Single-Family	4,500 SF	NA	NA	NA
Zero Lot Line Detached	3,000 SF	3,000 SF	NA	NA
Attached Row Houses	2,500 SF	2,000 SF	NA	NA
Multi-Family and Senior Housing	2,000 SF	2,000 SF	1,000 SF	NA
<i>Minimum Lot Width</i>				
Large Single-Family	50 ft	NA	NA	NA
Standard Single-Family	50 ft	NA	NA	NA
Zero Lot Line Detached	30 ft	30 ft	NA	NA
Attached Row Houses	24 ft	22 ft	NA	NA
Multi-Family and Senior Housing	NA	NA	NA	NA
Minimum Lot Depth	50 ft	50 ft	NA	NA
<i>Building Setbacks</i>				
Front (min./max.)	10 ft/15 ft	10 ft/15 ft	0 ft	15 ft
Side (between bldgs.) (detached/attached)	5 ft detached 0 ft attached (a)(c)	5 ft detached 0 ft attached (a)(c)	0 ft 10 ft (b)	0 ft 15 ft (b)
Corner (min./max.)	5 ft/10 ft	5 ft/10 ft	5 ft/10 ft	15 ft/30 ft
Rear	15 ft	15 ft	0 – 10 ft (b)	0 – 15 ft (b)
Garage Entrance	(d)	(d)	(e)	(e)
Maximum Building Height	35 ft	45 ft	60 ft	60 ft
Maximum Lot Coverage	80%	80%	100%	85%
Minimum Landscaped Area (i)	20% of Site Area	20% of Site Area	0% of Site Area	15 % of Site Area
<i>Housing Mix</i>				
Required Housing Types as Listed Under Residential in Table 3.	< 16 units in development: 1 housing type 16 – 40 units in development: 2 housing types > 40 units in development: 3 or more housing types (plus approved master plan).		NA	NA

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NA – Not applicable
Notes:

- a) The 5-foot minimum also applies to the perimeter of the attached unit development.
- b) Setback required when adjacent to a residential zone.
- c) Setback required is 10 feet minimum between units when using zero lot line configurations.
- d) Ten (10) feet behind building façade facing street.
- e) Garage entrance shall not protrude beyond the face of the building.
- f) Net Acre equals the area remaining after deducting environmental lands, exclusive employment areas, exclusive civic areas, and right-of-way.
- g) Lot coverage refers to all impervious surfaces, including buildings and paved surfacing.
- h) Parking lot landscaping and screening requirements still apply.
- i) Landscaped area shall include living ground cover, shrubs, trees, and decorative landscaping material such as bark, mulch or gravel. No pavement or other impervious surfaces are permitted except for pedestrian pathways and seating areas.

3. Parking Standards. Parking standards shall be as specified in Section 17.65.050(F)(3). (Ord. 1815 §1 (part), Exh. B (part), 2000).

SECTION 6
Chapter 17.68
PLANNED UNIT DEVELOPMENT (PUD)

Sections:

- 17.68.010 Purpose.
- 17.68.020 Size of the planned unit development site.
- 17.68.030 Application and review.
- 17.68.040 Criteria to grant or deny a PUD.
- 17.68.050 Preliminary development plan.
- 17.68.060 Final development plan.
- 17.68.070 Control of the PUD during and after completion.
- 17.68.080 Exceptions to zoning and subdivision titles.
- 17.68.090 Accessory uses in a planned unit development.
- 17.68.100 Density bonus.
- 17.68.110 Common open space.
- 17.68.120 General conditions.
- 17.68.130 Residential conditions.
- 17.68.140 Appeals and permit revocation.

17.68.010 Purpose.

The purpose of planned unit development (PUD) is to gain more effective use of open space, realize advantages of large-scale site planning, mixing of building types or land uses, improved aesthetics and environmental preservation by allowing a variety of buildings, structures, open spaces, allowable heights and setbacks of buildings and structures. A PUD should have a harmonious variety of uses, utilize the economy of shared services and facilities, and reduce municipal costs of operating and maintaining services while insuring substantial compliance with the district regulations and other provisions of this code. (Ord. 1615 §64, 1989).

A. 17.68.020 Size of the Planned Unit Development Site. A PUD shall be on a tract of land five acres or larger,

17.68.030 Application and review.

A. Applications and review of PUDs shall conform to the provisions of Chapter 1.24 of this code and all applicable laws of the state. The application shall be accompanied by a filing fee as set by city council. In the event the city incurs expenses in processing the proposal which exceed the amount of the filing fee, payment to the city of expenses in excess of the filing fee shall be a condition of final acceptance of the PUD by the city.

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Deleted: , except that a PUD may be on a tract of land of more than one acre but less than five acres if the planning commission finds, upon a showing by the applicant, that a PUD is in the public interest because one or more of the following conditions exist:¶
<#>An unusual physical feature of importance to the people of the area or the community as a whole exists on the site, which can be conserved and still leave the landowner equivalent use of the land by the use of planned unit development;¶
<#>The property or its neighborhood has historical character or distinctive features that are important to the community and that could be protected or enhanced through use of a PUD;¶
<#>The property is adjacent to or in the immediate vicinity of a planned unit development of similar design as that proposed and developments would complement each other without significant adverse impact on surrounding areas;¶
The property is of irregular shape, with limited access, or has unusual dimensions or characteristics which would make conventional development unreasonably difficult and expensive. (Ord. 1615 §65, 1989)

B. For any use which is permitted or conditional in another zoning district, the PUD application may include an application for a zoning amendment, as provided in Chapter 17.88 of this code, or the PUD approval may include a condition to allow the use.

C. Where use is made of the PUD process, no building permits shall be issued until the planning commission has approved the PUD as provided in this chapter.

D. An applicant may confer prior to application for a PUD with city staff in a pre-application conference.

E. The commission shall act upon the application within ninety days from the date of accepting the completed application, excluding such time as may be necessary to complete any amendments initiated by the applicant. In taking action, the commission may deny a PUD, may grant a PUD as submitted, or may grant a PUD subject to conditions as provided in this chapter. Any PUD authorized shall be subject to all conditions imposed and shall be excepted from other provisions of this title only to the extent specified in the PUD approval. (Ord. 1615 §66, 1989).

17.68.040 Criteria to grant or deny a PUD.

A PUD shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this chapter, and classified in this chapter as a PUD, a change in the use or in lot area, or an alteration of structure shall conform with the requirements for PUD use. To approve or deny a PUD, the planning commission shall find whether or not the standards of this chapter, including the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. That the development of a harmonious, integrated plan justifies exceptions to the normal requirements of this title;

B. The proposal will be consistent with the comprehensive plan, the objectives of the zoning ordinance and other applicable policies of the city;

C. The location, size, design and operating characteristics of the PUD will have minimal adverse impact on the livability, value or appropriate development of the surrounding area;

D. That the proponents of the PUD have demonstrated that they are financially able to carry out the proposed project, that they intend to start construction within six months of the final approval of the project and any necessary district changes, and intend to complete said construction within a reasonable time as determined by the commission;

E. That traffic congestion will not likely be created by the proposed development or will be obviated by demonstrable provisions in the plan for proper entrances, exits, internal traffic circulation and parking;

F. That commercial development in a PUD is needed at the proposed location to provide adequate commercial facilities of the type proposed;

G. That proposed industrial development will be efficient and well-organized with adequate provisions for railroad and truck access and necessary storage;

H. The PUD preserves natural features such as streams and shorelines, wooded cover and rough terrain, if these are present;

I. The PUD will be compatible with the surrounding area;

J. The PUD will reduce need for public facilities and services relative to other permitted uses for the land. (Ord. 1615 §67, 1989).

17.68.050 Preliminary development plan.

A preliminary development plan shall contain a written statement and maps and other information on the area surrounding the proposed development to show the relationship of the planned unit development to adjacent uses, both existing and proposed. The plan shall include the following:

A. A map to scale showing street systems, lot or partition lines and other allocations of land for management or use;

B. Measurements of areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, parking, pedestrian ways, playgrounds, school sites, public buildings and similar public and semipublic uses;

C. A plot plan to scale for each building site and common open space area, showing the approximate location of buildings, structures, landscaping and other improvements and indicating the open spaces around buildings and structures;

D. Elevation and perspective drawings of proposed structures;

E. A development schedule indicating:

1. The approximate start date of construction,
2. The stages in which the project will be built and the approximate start date of each stage,
3. The anticipated rate of development,
4. The approximate completion dates for each stage,
5. The area, location and degree of development of common open space that will be provided at each stage;

F. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas;

G. The following plans and diagrams either separately or contained on the figures contained in subsections A through D of this section:

1. An off-street parking and loading plan,
2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown,
3. A landscaping and tree plan,
4. An economic feasibility report or market analysis,
5. A solar orientation plan showing the general orientation of buildings and roof slopes to each other, to streets, and to the landscaping and tree plan;

H. Other pertinent information shall be included as the planning commission finds necessary to determine any appropriate and desirable requirements that may differ from those ordinarily applicable under this title. (Ord. 1615 §68, 1989).

17.68.060 Final development plan.

A. Within six months following the approval of the preliminary development plan, the applicant shall file a final development plan with the city, containing in final form the information required in the preliminary plan. The same shall be reviewed by the planning commission and decided by the city council as set forth in Section 1.24.020 of this code. The council may, in its discretion and for a good cause, extend for six months the period for the filing of the final development plan.

B. The permit for a PUD shall expire and become void one year from the date on which it was issued unless an application for extension is filed and approved by the planning commission. The one year shall commence with approval of the final development plan.

C. Within thirty days after the granting of a permit from a PUD the permit application file number shall be indicated on the zone map on the lot or lots affected by such permit.

D. The final development plan shall continue to control the planned unit development after it is finished. (Ord. 1631 §2, 1990; Ord. 1615 §69, 1989).

17.68.070 Control of the PUD during and after completion.

If the city council finds evidence of a major deviation from the preliminary or final development plan, it shall advise the applicant to submit an application to the planning commission for amendment to the planned unit development. An amendment shall be considered in the same manner as an original application.

A. The building official, in issuing a certificate of completion of the planned unit development, shall note the issuance on the recorded final development plan.

B. After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.

C. After the certificate of completion has been issued, no change of the approved final development plan shall be made without an amendment to the plan except as follows:

1. Minor modifications of existing buildings or structures may be authorized by the planning staff if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure;
2. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if the reconstruction complies with the purpose and intent of the final development plan.

D. Amendments to a completed planned unit development may be approved, if appropriate due to changes in conditions since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.

E. No modification or amendment to a completed PUD shall be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the PUD. All rights to enforce these covenants against any change permitted by this section are expressly reserved. (Ord. 1631 §3, 1990; Ord. 1615 §70, 1989).

17.68.080 Exceptions to zoning and subdivision titles.

The planning commission may allow exceptions within a PUD for dimensions, site coverage, yard spaces, structure heights, distances between structures, street widths or off-street parking and loading facilities differing from the specific standards for the zoning district in which the PUD is located. Exceptions shall be based upon the applicant's demonstration that the objectives of the zoning and subdivision titles of this code will be achieved.

A. When the spacing between main buildings is less than the spacing which would be required between buildings developed under this chapter on separate parcels outside a PUD, other design

features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.

B. Buildings, off-street parking and loading facilities, open space, landscaping and screening shall conform to the specific standards of the zoning district within fifty feet of the boundary lines of the development.

C. The planning commission may approve building heights greater than those authorized by the zoning district. The applicant shall demonstrate that:

1. The subject building(s) will not be within one hundred feet of abutting residential property;
2. The increase in height will reduce the prices of dwelling units offered for sale or rent; and
3. That additional natural open space will be preserved or additional common recreational areas will be provided.

D. The building coverage for any PUD shall not exceed that which is permitted for other construction in the zone.

E. When a PUD design would require exceptions to the regulations of the subdivision title, the planning commission may grant those conditions as part of the PUD. Tentative approval of the preliminary development plan of a PUD shall also constitute tentative approval of a tentative plan under Chapter 16.10 if the materials are presented in the manner prescribed by subdivision title. (Ord. 1684 §62, 1993; Ord. 1615 §71, 1989).

17.68.090 Accessory uses in a planned unit development.

In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following uses:

A. Golf course;

B. Private park, lake or waterway;

C. Recreation area;

D. Recreation building, clubhouse or social hall;

E. Other accessory structures which the planning commission finds are designed to serve primarily the residents of the PUD and are compatible with the design of the planned unit development. (Ord. 1615 §72, 1989).

17.68.100 Density bonus.

A. Within a PUD, the planning commission may authorize an increase in total number of dwelling units of up to five percent above the number of units (rounded up to the next full dwelling unit) otherwise authorized by the density requirements of the zoning district. For an increase of dwelling units to be permitted the planning commission shall find that the development will contain distinctive qualities or overall excellence in the areas of the site planning, architectural design, landscaping, solar orientation and recreational opportunities, which will provide a superior living environment and enhance the general area or neighborhood.

B. For purposes of this section, residential base densities to which the allowable percentage adjustments may be applied are:

Zoning Acre	District	Maximum Density of PUD Gross
R-L per acre	Residential low density	2.0 dwelling units
R-1-6 per acre	Residential single-family	6.0 dwelling units
R-1-8 per acre	Residential single-family	5.0 dwelling units
R-1-10 per acre	Residential single-family	4.0 dwelling units
R-2 units per acre	Residential two-family	12.0 dwelling
R-3 units per acre	Residential multiple-family under medium density plan designation	12.0 dwelling
R-3 units per acre	Residential multiple-family under high density plan designation	25.0 dwelling

* Before five percent density bonuses, if applicable.
(Ord. 1615 §73, 1989).

17.68.110 Common open space.

A. Open areas may be accepted as common open space within a planned unit development if these requirements are met:

1. The location, shape, size and character of the common open space is suitable for the planned development;
2. The common open space is appropriate to the scale and character of the planned unit development, considering the PUD's size, density, expected population, topography and the number and type of dwellings provided;
3. Common open space will be improved for its intended use, although common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements in the common open space shall be appropriate to the uses proposed for the common open space;
4. The development schedule coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development;
5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and other improvements have been completed according to the development plan.

B. Land shown on the final development plan as common open space shall be conveyed under one of the following options at planning commission discretion:

1. To a public agency which agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it;
2. To an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the planning commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. Common open space not conveyed to a public agency shall be in addition to and not in lieu of the land dedication or fee required in Chapter 15.20.

C. Common open space may only be put to uses specified in the final development plan. No change of use allowed by amendment may be considered as a waiver of any of the covenants limiting the use of common open space areas. All rights to enforce these covenants against any use permitted are expressly reserved.

D. If common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of common open space shall authorize the city to enforce their provisions. (Ord. 1615 §74, 1989).

17.68.120 General conditions.

In permitting a new PUD, the planning commission may impose, in addition to those standards and requirements expressly specified by this chapter, conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. Those conditions may include, but are not limited to, the following:

- A. Limiting the manner in which a use is conducted, including restricting the time certain activities may take place and restrictions to mitigate such environmental effects as noise, vibration, air pollution, glare and odor;
- B. Establishing a special yard or other open space or lot area or dimension;
- C. Limiting the height, size or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way;
- F. Designating size, location, screening, drainage surfacing or other improvements of parking or truck-loading areas;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating fence heights, locations and materials;
- K. Protecting existing trees, vegetation, water resources, wildlife habitat or another significant natural resource. (Ord. 1615 §75, 1989).

17.68.130 Residential conditions.

Planned residential developments may have the following conditions attached:

- A. Prior to the issuance of the certificate of occupancy, recreational facilities shall be installed as may be required by the planning commission;

B. Pedestrian movement upon the site shall be encouraged and separated from vehicular traffic through a comprehensive system of paved pathways;

C. Development for residential and accessory uses shall be at a specified maximum density;

D. Off-street parking shall be provided at the ratio specified in Section 17.64.040 and for visitor parking, one space per four units; and for recreational vehicle storage, one space per seven units. Vehicles shall park only in designated areas or stalls. There shall be no parking within turnaround areas or main driveways. Visitors' parking shall be clearly identified and maintained;

E. Boats, trailers, campers and similar recreational vehicles may be stored in designated areas only. The permanency, security and visual screening of a recreational vehicle storage area shall be assured by the construction of permanent walls not less than seven feet in height;

F. "Tot lots" shall be provided in addition to adult recreational facilities for the year-round use of children residing on the site. The planning commission shall specify the number of tot lots required and the type of construction for play equipment;

G. If units in the project are rented, the owner of the subject property shall provide for the regular and continuing maintenance of all structures, open space and landscaped areas and all off-street parking and maneuvering areas. An agreement guaranteeing such continuing maintenance and giving lien rights to the city in the event of lack of said maintenance shall be submitted to the city attorney for his review and approval prior to the issuance of any building permits;

H. If units are sold individually (condominiums), a homeowners' association shall be established for the purpose of permanently maintaining all of the subject property, including common areas and individual units, buildings and structures, and a homeowners' association agreement guaranteeing such a maintenance by individual owners and providing for lien rights and reimbursement to the city for any costs incurred thereby shall be submitted to the city attorney prior to the issuance of any building permits;

I. A bicycle path system shall be provided that is either integrated into the pedestrian sidewalk system or designed as a separate system and appropriately marked and signed. The system should include bicycle access to all dwelling units, and such facilities should connect to the city's bicycle system plan. Bicycle racks shall be provided for residents and visitors and other features that may be required. (Ord. 1615 §76, 1989).

17.68.140 Appeals and permit revocation.

A. The decision of the planning commission may be appealed to the city council in the manner prescribed in Chapter 1.24.

B. The commission, on its own motion, at a public hearing advertised in conformance with the requirements of Chapter 1.24, may revoke in whole or in part any permit for the planned unit

development based upon findings of noncompliance with the conditions set forth in granting said permit. (Ord. 1615 §77, 1989).